

SB2256



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2256

Introduced 1/27/2016, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-6041 new
65 ILCS 5/11-5.1-2 new

Amends the Counties Code and the Illinois Municipal Code. Provides that a sheriff's office or police department may not request or receive specified equipment or vehicles from military equipment surplus programs. Further provides that, if a sheriff's office or a police department requests property from a military equipment surplus program, then the sheriff's office or police department shall publish notice of the request on a publicly accessible website within 14 days after the request. Effective immediately.

LRB099 16076 AWJ 40399 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Section
5 3-6041 as follows:

6 (55 ILCS 5/3-6041 new)

7 Sec. 3-6041. Military equipment surplus program.

8 (a) For purposes of this Section:

9 "Bayonet" means large knives designed to be attached to the
10 muzzle of a rifle, shotgun, or long gun for the purposes of
11 hand-to-hand combat.

12 "Camouflage uniform" does not include woodland or desert
13 patterns or solid color uniforms.

14 "Grenade launcher" means a firearm or firearm accessory
15 designed to launch small explosive projectiles.

16 "Military equipment surplus program" means any federal or
17 state program allowing a law enforcement agency to obtain
18 surplus military equipment including, but not limit to, any
19 program organized under Section 1122 of the National Defense
20 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
21 Section 1033 of the National Defense Authorization Act for
22 Fiscal Year 1997 (Pub. L. 104-201).

23 "Tracked armored vehicle" means a vehicle that provides

1 ballistic protection to its occupants and utilizes a tracked
2 system installed of wheels for forward motion.

3 "Weaponized aircraft, vessels, or vehicles" means any
4 aircraft, vessel, or vehicle with weapons installed.

5 (b) A sheriff's office shall not request or receive from
6 any military equipment surplus program the following
7 equipment:

8 (1) tracked armored vehicles;

9 (2) weaponized aircraft, vessels, or vehicles;

10 (3) firearms of .50-caliber or higher;

11 (4) ammunition of .50-caliber or higher;

12 (5) grenade launchers;

13 (6) bayonets; or

14 (7) camouflage uniforms.

15 (c) A home rule unit may not regulate the acquisition of
16 equipment in a manner inconsistent with this Section. This
17 Section is a limitation under subsection (i) of Section 6 of
18 Article VII of the Illinois Constitution on the concurrent
19 exercise by home rule units of powers and functions exercised
20 by the State.

21 (d) If a sheriff's office requests property from a military
22 equipment surplus program, the sheriff's office shall publish
23 notice of the request on a publicly accessible website
24 maintained by the sheriff's office or the county within 14 days
25 after the request.

1 Section 10. The Illinois Municipal Code is amended by
2 adding Section 11-5.1-2 as follows:

3 (65 ILCS 5/11-5.1-2 new)

4 Sec. 11-5.1-2. Military equipment surplus program.

5 (a) For purposes of this Section:

6 "Bayonet" means large knives designed to be attached to the
7 muzzle of a rifle, shotgun, or long gun for the purposes of
8 hand-to-hand combat.

9 "Camouflage uniform" does not include woodland or desert
10 patterns or solid color uniforms.

11 "Grenade launcher" means a firearm or firearm accessory
12 designed to launch small explosive projectiles.

13 "Military equipment surplus program" means any federal or
14 state program allowing a law enforcement agency to obtain
15 surplus military equipment including, but not limit to, any
16 program organized under Section 1122 of the National Defense
17 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
18 Section 1033 of the National Defense Authorization Act for
19 Fiscal Year 1997 (Pub. L. 104-201).

20 "Tracked armored vehicle" means a vehicle that provides
21 ballistic protection to its occupants and utilizes a tracked
22 system installed of wheels for forward motion.

23 "Weaponized aircraft, vessels, or vehicles" means any
24 aircraft, vessel, or vehicle with weapons installed.

25 (b) A sheriff's office shall not request or receive from

1 any military equipment surplus program the following
2 equipment:

3 (1) tracked armored vehicles;

4 (2) weaponized aircraft, vessels, or vehicles;

5 (3) firearms of .50-caliber or higher;

6 (4) ammunition of .50-caliber or higher;

7 (5) grenade launchers;

8 (6) bayonets; or

9 (7) camouflage uniforms.

10 (c) A home rule unit may not regulate the acquisition of
11 equipment in a manner inconsistent with this Section. This
12 Section is a limitation under subsection (i) of Section 6 of
13 Article VII of the Illinois Constitution on the concurrent
14 exercise by home rule units of powers and functions exercised
15 by the State.

16 (d) If a police department requests property from a
17 military equipment surplus program, the police department
18 shall publish notice of the request on a publicly accessible
19 website maintained by the police department or the municipality
20 within 14 days after the request.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.