

REFERENCE TITLE: **military and surveillance equipment; approval**

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **SB 1383**

Introduced by  
Senators Mendez: Gonzales, Quezada, Steele; Representative Salman

**AN ACT**

**AMENDING TITLE 26, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; RELATING TO MILITARY AND SURVEILLANCE EQUIPMENT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 26, chapter 1, Arizona Revised Statutes, is  
3 amended by adding article 8, to read:

4 ARTICLE 8. MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT

5 26-271. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "APPROVING ENTITY" MEANS:

8 (a) FOR A MUNICIPALITY, THE GOVERNING BODY OF THE MUNICIPALITY.

9 (b) FOR A COUNTY, THE BOARD OF SUPERVISORS OF THE COUNTY.

10 (c) FOR THIS STATE, THE JOINT LEGISLATIVE BUDGET COMMITTEE.

11 2. "DISCRIMINATORY" MEANS ANY OF THE FOLLOWING:

12 (a) THE DISPARATE TREATMENT OF AN INDIVIDUAL BECAUSE OF EITHER:

13 (i) THAT INDIVIDUAL'S REAL OR PERCEIVED TRAIT, CHARACTERISTIC OR  
14 STATUS AS TO WHICH DISCRIMINATION IS PROHIBITED UNDER THE CONSTITUTION OF  
15 THE UNITED STATES OR ANY OTHER LAW OF THE UNITED STATES, THE CONSTITUTION  
16 OF ARIZONA OR ANY OTHER LAW OF THIS STATE, ANY CITY CHARTER, IF  
17 APPLICABLE, ANY MUNICIPAL ORDINANCE OR RESOLUTION, IF APPLICABLE, OR ANY  
18 COUNTY ORDINANCE OR RESOLUTION, IF APPLICABLE.

19 (ii) THAT INDIVIDUAL'S ASSOCIATION WITH ANOTHER INDIVIDUAL AS TO  
20 WHOM DISCRIMINATION IS PROHIBITED AS DESCRIBED IN ITEM (i) OF THIS  
21 SUBDIVISION.

22 (b) THE DISPARATE IMPACT ON AN INDIVIDUAL HAVING A TRAIT,  
23 CHARACTERISTIC OR STATUS AS DESCRIBED IN SUBDIVISION (a) OF THIS  
24 PARAGRAPH.

25 3. "DISPARATE IMPACT" MEANS AN ADVERSE EFFECT THAT IS  
26 DISPROPORTIONATELY EXPERIENCED BY AN INDIVIDUAL HAVING ANY TRAIT,  
27 CHARACTERISTIC OR STATUS AS TO WHICH DISCRIMINATION IS PROHIBITED UNDER  
28 THE CONSTITUTION OF THE UNITED STATES OR ANY OTHER LAW OF THE UNITED  
29 STATES, THE CONSTITUTION OF ARIZONA OR ANY OTHER LAW OF THIS STATE, ANY  
30 CITY CHARTER, IF APPLICABLE, ANY MUNICIPAL ORDINANCE OR RESOLUTION, IF  
31 APPLICABLE, OR ANY COUNTY ORDINANCE OR RESOLUTION, IF APPLICABLE, THAN BY  
32 A SIMILARLY SITUATED INDIVIDUAL NOT HAVING SUCH A TRAIT, CHARACTERISTIC OR  
33 STATUS.

34 4. "MILITARY EQUIPMENT":

35 (a) MEANS TACTICAL EQUIPMENT THAT IS REGULARLY ACQUIRED, MAINTAINED  
36 OR USED BY THE UNITED STATES MILITARY.

37 (b) INCLUDES ANY OF THE FOLLOWING:

38 (i) MANNED AIRCRAFT.

39 (ii) UNMANNED AERIAL VEHICLES.

40 (iii) WHEELED OR TRACKED ARMORED VEHICLES, INCLUDING MINE-RESISTANT  
41 AND AMBUSH-PROTECTED VEHICLES.

42 (iv) TACTICAL VEHICLES AND VESSELS.

43 (v) COMMAND AND CONTROL VEHICLES.

44 (vi) FIREARMS AND AMMUNITION OF .50 CALIBER OR HIGHER.

1 (vii) FIREARMS AND AMMUNITION UNDER .50 CALIBER, OTHER THAN SERVICE  
2 WEAPONS, AND AMMUNITION THEREFOR, ISSUED TO LOCAL POLICE OFFICERS.

3 (viii) BAYONETS.

4 (ix) GRENADE LAUNCHERS.

5 (x) GRENADES, INCLUDING STUN AND FLASH-BANG GRENADES.

6 (xi) EXPLOSIVES AND PYROTECHNICS.

7 (xii) SILENCERS.

8 (xiii) BREACHING APPARATUSES.

9 (xiv) RIOT BATONS.

10 (xv) HELMETS AND SHIELDS.

11 (xvi) LONG-RANGE ACOUSTIC DEVICES.

12 (xvii) NIGHT VISION DEVICES.

13 (xviii) CAMOUFLAGE UNIFORMS.

14 5. "SURVEILLANCE DATA" MEANS ANY ELECTRONIC DATA THAT IS COLLECTED,  
15 CAPTURED, RECORDED, RETAINED, PROCESSED, INTERCEPTED, ANALYZED OR SHARED  
16 BY SURVEILLANCE EQUIPMENT.

17 6. "SURVEILLANCE EQUIPMENT":

18 (a) MEANS:

19 (i) AN ELECTRONIC SURVEILLANCE DEVICE, HARDWARE OR SOFTWARE THAT IS  
20 CAPABLE OF COLLECTING, CAPTURING, RECORDING, RETAINING, PROCESSING,  
21 INTERCEPTING, ANALYZING, MONITORING OR SHARING AUDIO, VISUAL, DIGITAL,  
22 LOCATION, THERMAL, BIOMETRIC OR SIMILAR INFORMATION OR COMMUNICATIONS  
23 SPECIFICALLY ASSOCIATED WITH, OR CAPABLE OF BEING ASSOCIATED WITH, ANY  
24 SPECIFIC INDIVIDUAL OR GROUP.

25 (ii) ANY SYSTEM, DEVICE OR VEHICLE THAT IS EQUIPPED WITH AN  
26 ELECTRONIC SURVEILLANCE DEVICE, HARDWARE OR SOFTWARE.

27 (b) INCLUDES:

28 (i) INTERNATIONAL MOBILE SUBSCRIBER IDENTITY CATCHERS AND OTHER  
29 CELL SITE SIMULATORS.

30 (ii) AUTOMATIC LICENSE PLATE READERS.

31 (iii) ELECTRONIC TOLL READERS.

32 (iv) CLOSED-CIRCUIT TELEVISION CAMERAS.

33 (v) BIOMETRIC SURVEILLANCE TECHNOLOGY, INCLUDING FACIAL, VOICE,  
34 IRIS AND GAIT-RECOGNITION SOFTWARE AND DATABASES.

35 (vi) MOBILE DNA CAPTURE TECHNOLOGY.

36 (vii) GUNSHOT DETECTION AND LOCATION HARDWARE AND SERVICES.

37 (viii) X-RAY VANS.

38 (ix) VIDEO AND AUDIO MONITORING OR RECORDING TECHNOLOGY, SUCH AS  
39 SURVEILLANCE CAMERAS, WIDE-ANGLE CAMERAS AND WEARABLE BODY CAMERAS.

40 (x) SURVEILLANCE-ENABLED OR SURVEILLANCE-CAPABLE LIGHTBULBS OR  
41 LIGHT FIXTURES.

42 (xi) TOOLS, INCLUDING SOFTWARE AND HARDWARE, USED TO GAIN  
43 UNAUTHORIZED ACCESS TO A COMPUTER, COMPUTER SERVICE OR COMPUTER NETWORK.

44 (xii) SOCIAL MEDIA MONITORING SOFTWARE.

45 (xiii) THROUGH-THE-WALL RADAR OR SIMILAR IMAGING TECHNOLOGY.

- 1 (xiv) PASSIVE SCANNERS OF RADIO NETWORKS.
- 2 (xv) LONG-RANGE BLUETOOTH AND OTHER WIRELESS-SCANNING DEVICES.
- 3 (xvi) RADIO-FREQUENCY IDENTIFICATION SCANNERS.
- 4 (xvii) SOFTWARE DESIGNED TO INTEGRATE OR ANALYZE DATA FROM
- 5 SURVEILLANCE TECHNOLOGY, INCLUDING SURVEILLANCE TARGET TRACKING AND
- 6 PREDICTIVE POLICING SOFTWARE.
- 7 (c) DOES NOT INCLUDE THE FOLLOWING, UNLESS THEY HAVE BEEN EQUIPPED
- 8 WITH, OR ARE MODIFIED TO BECOME OR INCLUDE, SURVEILLANCE TECHNOLOGY LISTED
- 9 IN SUBDIVISION (b) OF THIS PARAGRAPH:
- 10 (i) ROUTINE OFFICE HARDWARE, SUCH AS A TELEVISION, COMPUTER OR
- 11 PRINTER, THAT IS IN WIDESPREAD PUBLIC USE AND WILL NOT BE USED FOR ANY
- 12 SURVEILLANCE OR SURVEILLANCE-RELATED FUNCTIONS.
- 13 (ii) PARKING TICKET DEVICES.
- 14 (iii) MANUALLY OPERATED AND NONWEARABLE HANDHELD DIGITAL CAMERAS,
- 15 AUDIO RECORDERS AND VIDEO RECORDERS THAT ARE NOT DESIGNED TO BE USED
- 16 SURREPTITIOUSLY AND WHOSE FUNCTIONALITY IS LIMITED TO MANUALLY CAPTURING
- 17 AND MANUALLY DOWNLOADING VIDEO OR AUDIO RECORDINGS, OR BOTH.
- 18 (iv) SURVEILLANCE DEVICES THAT CANNOT RECORD OR TRANSMIT AUDIO OR
- 19 VIDEO OR BE REMOTELY ACCESSED, SUCH AS IMAGE-STABILIZING BINOCULARS.
- 20 (v) MUNICIPAL, COUNTY OR STATE AGENCY DATABASES THAT DO NOT AND
- 21 WILL NOT CONTAIN ANY DATA OR OTHER INFORMATION COLLECTED, CAPTURED,
- 22 RECORDED, RETAINED, PROCESSED, INTERCEPTED OR ANALYZED BY SURVEILLANCE
- 23 TECHNOLOGY.
- 24 (vi) MANUALLY OPERATED TECHNOLOGICAL DEVICES THAT ARE USED
- 25 PRIMARILY FOR INTERNAL MUNICIPAL ENTITY COMMUNICATIONS AND THAT ARE NOT
- 26 DESIGNED TO SURREPTITIOUSLY COLLECT SURVEILLANCE DATA, SUCH AS RADIOS AND
- 27 EMAIL SYSTEMS.
- 28 7. "VIEWPOINT-BASED" MEANS TARGETED AT ANY COMMUNITY OR GROUP OR
- 29 ITS MEMBERS BECAUSE OF THE MEMBERS' EXERCISE OF RIGHTS PROTECTED UNDER THE
- 30 FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.
- 31 26-272. Construction of article; use of military and
- 32 surveillance equipment; collective bargaining
- 33 agreements
- 34 A. THE ENUMERATION OF MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT
- 35 IN THIS ARTICLE DOES NOT ENDORSE OR APPROVE THEIR USE BY ANY MUNICIPALITY,
- 36 ANY COUNTY OR THIS STATE.
- 37 B. MUNICIPAL, COUNTY AND STATE EMPLOYEES OR AGENTS MAY NOT:
- 38 1. USE ANY MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT EXCEPT IN A
- 39 MANNER CONSISTENT WITH POLICIES APPROVED PURSUANT TO THE TERMS OF THIS
- 40 ARTICLE.
- 41 2. USE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT IN A MANNER
- 42 THAT IS DISCRIMINATORY, IS VIEWPOINT-BASED OR VIOLATES A CITY CHARTER, IF
- 43 APPLICABLE, THE CONSTITUTION OF ARIZONA OR THE UNITED STATES CONSTITUTION.

1 C. A MUNICIPAL, COUNTY OR STATE EMPLOYEE WHO VIOLATES THIS ARTICLE  
2 OR ANY IMPLEMENTING RULE OR REGULATION IS SUBJECT TO DISCIPLINARY  
3 PROCEEDINGS AND PUNISHMENT.

4 D. FOR MUNICIPAL, COUNTY OR STATE EMPLOYEES WHO ARE REPRESENTED  
5 UNDER THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT, THIS ARTICLE  
6 PREVAILS UNLESS IT CONFLICTS WITH THE COLLECTIVE BARGAINING AGREEMENT, ANY  
7 MEMORANDUM OF AGREEMENT OR UNDERSTANDING SIGNED PURSUANT TO THE COLLECTIVE  
8 BARGAINING AGREEMENT OR ANY RECOGNIZED AND ESTABLISHED PRACTICE RELATIVE  
9 TO THE MEMBERS OF THE BARGAINING UNIT.

10 26-273. Military and surveillance equipment funding,  
11 acquisition or deployment; approval required;  
12 notice; hearing

13 A. NOTWITHSTANDING ANY OTHER LAW, ANY MUNICIPALITY, ANY COUNTY AND  
14 THIS STATE SHALL OBTAIN APPROVAL FROM THE RELEVANT APPROVING ENTITY BEFORE  
15 ENGAGING IN ANY OF THE FOLLOWING:

16 1. SEEKING MONIES FOR NEW MILITARY EQUIPMENT OR SURVEILLANCE  
17 EQUIPMENT, INCLUDING APPLYING FOR A GRANT OR SOLICITING OR ACCEPTING STATE  
18 OR FEDERAL MONIES OR IN-KIND OR OTHER DONATIONS OR TRANSFERS.

19 2. ACQUIRING OR BORROWING NEW MILITARY EQUIPMENT OR SURVEILLANCE  
20 EQUIPMENT, WHETHER OR NOT THAT ACQUISITION IS MADE THROUGH THE EXCHANGE OF  
21 MONIES OR FOR OTHER OR NO CONSIDERATION.

22 3. DEPLOYING OR USING NEW OR EXISTING MILITARY EQUIPMENT OR  
23 SURVEILLANCE EQUIPMENT FOR A PURPOSE OR IN A MANNER THAT IS NOT PREVIOUSLY  
24 APPROVED BY THE APPROVING ENTITY PURSUANT TO THIS ARTICLE, INCLUDING  
25 SHARING SURVEILLANCE DATA FROM THE NEW OR EXISTING MILITARY EQUIPMENT OR  
26 SURVEILLANCE EQUIPMENT.

27 4. SOLICITING PROPOSALS FOR OR ENTERING INTO AN AGREEMENT WITH ANY  
28 OTHER PERSON OR ENTITY TO ACQUIRE, SHARE OR OTHERWISE USE MILITARY  
29 EQUIPMENT OR SURVEILLANCE EQUIPMENT OR ITS SURVEILLANCE DATA.

30 B. BEFORE APPROVING ANY ACTIVITY DESCRIBED IN SUBSECTION A OF THIS  
31 SECTION, THE RELEVANT APPROVING ENTITY, AFTER PROVIDING NOTICE, SHALL HOLD  
32 A HEARING AT WHICH THE PUBLIC MAY PROVIDE ONLINE, WRITTEN AND ORAL  
33 TESTIMONY.

34 26-274. Military equipment and surveillance equipment impact  
35 reports; use policies

36 A. AS A PART OF THE PROCESS OF SEEKING THE APPROVAL OF AN APPROVING  
37 ENTITY PURSUANT TO SECTION 26-273 TO FUND, ACQUIRE OR DEPLOY MILITARY  
38 EQUIPMENT OR SURVEILLANCE EQUIPMENT OR TO ENTER INTO AN AGREEMENT  
39 CONCERNING THAT FUNDING, ACQUISITION OR DEPLOYMENT, A MUNICIPALITY, A  
40 COUNTY OR THIS STATE SHALL SUBMIT TO THE APPROVING ENTITY AND MAKE  
41 PUBLICLY AVAILABLE A MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT IMPACT  
42 REPORT AND A MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT USE POLICY  
43 CONCERNING THE MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT AT ISSUE.

1 B. A MUNICIPALITY, A COUNTY OR THIS STATE MAY NOT USE MILITARY  
2 EQUIPMENT OR SURVEILLANCE EQUIPMENT PURSUANT TO THIS ARTICLE WITHOUT THE  
3 RELEVANT APPROVING ENTITY'S EXPRESS APPROVAL OF THE RELATED MILITARY  
4 EQUIPMENT AND SURVEILLANCE EQUIPMENT IMPACT REPORT AND MILITARY EQUIPMENT  
5 AND SURVEILLANCE EQUIPMENT USE POLICY SUBMITTED PURSUANT TO SUBSECTION A  
6 OF THIS SECTION.

7 C. THE RELEVANT APPROVING ENTITY MAY REQUEST THAT A MUNICIPALITY, A  
8 COUNTY OR THIS STATE REVISE THE MILITARY EQUIPMENT AND SURVEILLANCE  
9 EQUIPMENT IMPACT REPORT OR MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT  
10 USE POLICY BEFORE THE APPROVING ENTITY APPROVES OR REJECTS THE REPORT OR  
11 POLICY.

12 D. ANY MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT IMPACT REPORT  
13 SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE PUBLICLY  
14 RELEASED AND IS A LEGALLY ENFORCEABLE AND WRITTEN REPORT THAT MUST  
15 INCLUDE, AT A MINIMUM, THE FOLLOWING:

16 1. INFORMATION DESCRIBING THE MILITARY EQUIPMENT OR SURVEILLANCE  
17 EQUIPMENT AND HOW IT WORKS, INCLUDING PRODUCT DESCRIPTIONS FROM  
18 MANUFACTURERS.

19 2. INFORMATION ON THE PROPOSED PURPOSE OF THE MILITARY EQUIPMENT OR  
20 SURVEILLANCE EQUIPMENT.

21 3. IF THE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT WILL NOT BE  
22 UNIFORMLY DEPLOYED OR TARGETED THROUGHOUT THE MUNICIPALITY, THE COUNTY OR  
23 THIS STATE, THE FACTORS THAT WILL BE USED TO DETERMINE WHERE THE  
24 TECHNOLOGY IS DEPLOYED OR TARGETED.

25 4. THE FISCAL IMPACT OF THE MILITARY EQUIPMENT OR SURVEILLANCE  
26 EQUIPMENT.

27 5. AN ASSESSMENT IDENTIFYING WITH SPECIFICITY BOTH:

28 (a) ANY POTENTIAL ADVERSE IMPACTS THE MILITARY EQUIPMENT OR  
29 SURVEILLANCE EQUIPMENT, IF DEPLOYED, MIGHT HAVE ON THE PUBLIC'S WELFARE,  
30 CIVIL LIBERTIES AND CIVIL RIGHTS.

31 (b) THE SPECIFIC, AFFIRMATIVE MEASURES THAT WILL BE IMPLEMENTED TO  
32 SAFEGUARD THE PUBLIC FROM THE POTENTIAL ADVERSE IMPACTS IDENTIFIED  
33 PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH.

34 E. ANY MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT USE POLICY  
35 SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE PUBLICLY  
36 RELEASED AND IS A LEGALLY ENFORCEABLE WRITTEN POLICY THAT GOVERNS THE  
37 MUNICIPALITY'S, THE COUNTY'S OR THIS STATE'S USE OF THE MILITARY EQUIPMENT  
38 OR SURVEILLANCE EQUIPMENT AND THAT, AT A MINIMUM, MUST INCLUDE AND ADDRESS  
39 THE FOLLOWING:

40 1. THE SPECIFIC PURPOSE THE MILITARY EQUIPMENT OR SURVEILLANCE  
41 EQUIPMENT IS INTENDED TO ADVANCE.

42 2. THE SPECIFIC CAPABILITIES, DEPLOYMENTS AND USES OF THE MILITARY  
43 EQUIPMENT OR SURVEILLANCE EQUIPMENT FOR WHICH AUTHORIZATION IS BEING  
44 SOUGHT.

1           3. THE LEGAL AND PROCEDURAL RULES THAT WILL GOVERN EACH AUTHORIZED  
2 USE.

3           4. THE POTENTIAL DEPLOYMENTS AND USES OF THE MILITARY EQUIPMENT OR  
4 SURVEILLANCE EQUIPMENT THAT WILL BE EXPRESSLY PROHIBITED.

5           5. IF APPLICABLE, HOW AND UNDER WHAT CIRCUMSTANCES SURVEILLANCE  
6 DATA THAT IS COLLECTED, CAPTURED, RECORDED OR INTERCEPTED BY THE  
7 SURVEILLANCE EQUIPMENT WILL BE ANALYZED AND REVIEWED.

8           6. THE COURSE OF TRAINING THAT MUST BE COMPLETED BEFORE ANY  
9 MUNICIPAL, COUNTY OR STATE EMPLOYEE IS ALLOWED TO USE THE SPECIFIC TYPE OF  
10 MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT SO AS TO ENSURE THE  
11 PROTECTION OF THE PUBLIC'S SAFETY, CIVIL RIGHTS AND CIVIL LIBERTIES AND  
12 ADHERENCE TO THE RELEVANT MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT  
13 USE POLICY.

14           7. THE ANTICIPATED ANNUAL COST OF THE TRAINING DESCRIBED IN  
15 PARAGRAPH 6 OF THIS SUBSECTION.

16           8. IF APPLICABLE, THE TYPES OF SURVEILLANCE DATA THAT THE  
17 SURVEILLANCE EQUIPMENT WILL COLLECT, CAPTURE, RECORD, INTERCEPT OR RETAIN.

18           9. IF APPLICABLE, THE SURVEILLANCE DATA THAT MAY BE INADVERTENTLY  
19 COLLECTED DURING THE AUTHORIZED USES OF THE SURVEILLANCE EQUIPMENT AND THE  
20 MEASURES THAT WILL BE TAKEN TO MINIMIZE INADVERTENTLY COLLECTING DATA.

21           10. IF APPLICABLE, HOW INADVERTENTLY COLLECTED SURVEILLANCE DATA  
22 WILL BE EXPEDITIOUSLY IDENTIFIED AND DELETED.

23           11. IF APPLICABLE, THE SAFEGUARDS THAT WILL BE USED TO PROTECT  
24 SURVEILLANCE DATA FROM UNAUTHORIZED ACCESS, INCLUDING ENCRYPTION AND  
25 ACCESS CONTROL MECHANISMS.

26           12. IF APPLICABLE, INSOFAR AS THE PRIVACY OF THE PUBLIC CAN BE  
27 SEVERELY COMPROMISED BY THE LONG-TERM STORAGE OF MASS SURVEILLANCE DATA,  
28 THE RULES AND PROCEDURES THAT WILL GOVERN THE RETENTION OF SURVEILLANCE  
29 DATA, INCLUDING THOSE GOVERNING:

30           (a) THE LIMITED TIME PERIOD, IF ANY, SURVEILLANCE DATA WILL BE  
31 RETAINED. SUCH INFORMATION SHALL INCLUDE A STATEMENT EXPLAINING WHY THE  
32 DESIGNATED RETENTION PERIOD IS NO GREATER THAN THAT WHICH IS ABSOLUTELY  
33 NECESSARY TO ACHIEVE THE SPECIFIC PURPOSES ENUMERATED IN THE MILITARY  
34 EQUIPMENT AND SURVEILLANCE EQUIPMENT USE POLICY.

35           (b) THE SPECIFIC CONDITIONS THAT MUST BE MET TO RETAIN SURVEILLANCE  
36 DATA BEYOND THE RETENTION PERIOD STATED IN SUBDIVISION (a) OF THIS  
37 PARAGRAPH.

38           (c) THE PROCESS BY WHICH SURVEILLANCE DATA WILL BE REGULARLY  
39 DELETED AFTER THE RETENTION PERIOD STATED IN SUBDIVISION (a) OF THIS  
40 PARAGRAPH ELAPSES AND THE AUDITING PROCEDURES THAT WILL BE IMPLEMENTED TO  
41 ENSURE THAT DATA IS NOT IMPROPERLY RETAINED.

42           13. IF A MUNICIPALITY, A COUNTY OR THIS STATE IS SEEKING  
43 AUTHORIZATION TO SHARE ACCESS TO SURVEILLANCE DATA WITH ANY OTHER  
44 GOVERNMENTAL AGENCY, DEPARTMENT, BUREAU, DIVISION OR UNIT, A DETAILED  
45 DESCRIPTION OF THE FOLLOWING:

1 (a) THE MANNER IN WHICH THE MUNICIPALITY, THE COUNTY OR THIS STATE  
2 WILL REQUIRE THAT THE COLLECTION, RETENTION AND STORAGE OF SURVEILLANCE  
3 DATA BE CONDUCTED IN COMPLIANCE WITH THE PRINCIPLES SET FORTH IN 28 CODE  
4 OF FEDERAL REGULATIONS PART 23.

5 (b) WHICH GOVERNMENTAL AGENCIES, DEPARTMENTS, BUREAUS, DIVISIONS OR  
6 UNITS WILL BE APPROVED FOR SURVEILLANCE DATA SHARING.

7 (c) THE REASON SUCH SURVEILLANCE DATA SHARING IS NECESSARY FOR THE  
8 STATED PURPOSE AND USE OF THE SURVEILLANCE EQUIPMENT.

9 (d) THE MANNER IN WHICH THE MUNICIPALITY, THE COUNTY OR THIS STATE  
10 WILL ENSURE THAT ANY ENTITY RECEIVING ACCESS TO THE SURVEILLANCE DATA  
11 COMPLIES WITH THE APPLICABLE MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT  
12 USE POLICY AND DOES NOT FURTHER DISCLOSE THE SURVEILLANCE DATA TO  
13 UNAUTHORIZED PERSONS AND ENTITIES.

14 (e) THE PROCESSES THAT WILL BE USED TO SEEK APPROVAL OF FUTURE  
15 SURVEILLANCE DATA SHARING AGREEMENTS FROM THE MUNICIPALITY, THE COUNTY OR  
16 THIS STATE AND THE APPROVING ENTITY.

17 14. IF APPLICABLE, THE LEGAL STANDARD THAT GOVERNMENT ENTITIES OR  
18 THIRD PARTIES SEEKING OR DEMANDING ACCESS TO SURVEILLANCE DATA MUST MEET.

19 15. THE MECHANISMS THAT WILL BE IMPLEMENTED TO ENSURE THAT THE  
20 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT USE POLICY IS FOLLOWED,  
21 INCLUDING THE INDEPENDENT PERSONS OR ENTITIES THAT WILL BE GIVEN OVERSIGHT  
22 AUTHORITY AND THE LEGALLY ENFORCEABLE SANCTIONS THAT WILL BE PUT IN PLACE  
23 FOR VIOLATIONS OF THE USE POLICY.

24 16. THE PROCEDURES BY WHICH MEMBERS OF THE PUBLIC CAN REGISTER  
25 COMPLAINTS OR CONCERNS OR SUBMIT QUESTIONS ABOUT THE DEPLOYMENT OR USE OF  
26 A SPECIFIC TYPE OF MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT AND HOW  
27 THE MUNICIPALITY, THE COUNTY OR THIS STATE WILL ENSURE THAT EACH QUESTION  
28 AND COMPLAINT IS RESPONDED TO IN A TIMELY MANNER.

29 26-275. Lead municipality or county; identification

30 IF MORE THAN ONE MUNICIPALITY OR COUNTY WILL HAVE ACCESS TO THE  
31 MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT OR ITS SURVEILLANCE DATA, A  
32 LEAD MUNICIPALITY OR COUNTY SHALL BE IDENTIFIED. THE LEAD MUNICIPALITY OR  
33 COUNTY IS RESPONSIBLE FOR MAINTAINING THE MILITARY EQUIPMENT OR  
34 SURVEILLANCE EQUIPMENT AND ENSURING COMPLIANCE WITH ALL RELATED LAWS,  
35 REGULATIONS AND PROTOCOLS.

36 26-276. Standard for approval; public participation; posting

37 A. AN APPROVING ENTITY MAY APPROVE A REQUEST TO FUND, ACQUIRE OR  
38 USE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT ONLY IF THE APPROVING  
39 ENTITY DETERMINES ALL OF THE FOLLOWING:

40 1. THE BENEFITS OF THE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT  
41 OUTWEIGH THE COSTS OF THE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT.

42 2. THE PROPOSAL WILL SAFEGUARD THE PUBLIC'S WELFARE, CIVIL  
43 LIBERTIES AND CIVIL RIGHTS.

44 3. THE USES AND DEPLOYMENTS OF THE MILITARY EQUIPMENT OR  
45 SURVEILLANCE EQUIPMENT WILL NOT BE BASED ON DISCRIMINATORY OR



1 VIEWPOINT-BASED FACTORS OR HAVE A DISPARATE IMPACT ON ANY COMMUNITY OR  
2 GROUP.

3 B. TO PROMOTE PUBLIC PARTICIPATION IN AN ANALYSIS PURSUANT TO  
4 SUBSECTION A OF THIS SECTION, THE APPROVING ENTITY SHALL MAKE ALL APPROVED  
5 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT IMPACT REPORTS AND MILITARY  
6 EQUIPMENT AND SURVEILLANCE EQUIPMENT USE POLICIES AVAILABLE TO THE PUBLIC  
7 BY POSTING THE REPORTS AND POLICIES ON THE MUNICIPALITY'S, THE COUNTY'S OR  
8 THIS STATE'S WEBSITE. THE IMPACT REPORTS AND USE POLICIES SHALL REMAIN  
9 POSTED ON THE WEBSITE FOR AS LONG AS THE RELATED MILITARY EQUIPMENT OR  
10 SURVEILLANCE EQUIPMENT IS AVAILABLE FOR DEPLOYMENT.

11 C. IF THE RISK OF POTENTIAL ADVERSE IMPACTS ON THE PUBLIC'S  
12 WELFARE, CIVIL RIGHTS OR CIVIL LIBERTIES HAS BEEN IDENTIFIED IN THE  
13 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT IMPACT REPORT PURSUANT TO  
14 SECTION 26-274, THE APPROVING ENTITY'S APPROVAL TO FUND, ACQUIRE OR DEPLOY  
15 ANY MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT MAY NOT BE INTERPRETED AS  
16 AN ACQUIESCENCE TO SUCH IMPACTS BUT RATHER AS AN ACKNOWLEDGEMENT THAT A  
17 RISK OF SUCH IMPACTS EXISTS AND MUST BE PROACTIVELY AVOIDED.

18 26-277. Annual military equipment and surveillance equipment  
19 report; community engagement meetings

20 A. IF A MUNICIPALITY, A COUNTY OR THIS STATE OBTAINS APPROVAL FOR  
21 FUNDING, ACQUIRING OR DEPLOYING ANY MILITARY EQUIPMENT OR SURVEILLANCE  
22 EQUIPMENT, THE MUNICIPALITY, THE COUNTY OR THIS STATE SHALL SUBMIT TO THE  
23 APPROVING ENTITY AND MAKE AVAILABLE ON ITS PUBLIC WEBSITE AN ANNUAL  
24 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT REPORT FOR EACH TYPE OF  
25 SPECIFIC MILITARY-GRADE LAW ENFORCEMENT EQUIPMENT ACQUIRED OR DEPLOYED BY  
26 THE MUNICIPALITY, THE COUNTY OR THIS STATE WITHIN TWELVE MONTHS AFTER  
27 RECEIVING APPROVAL AND ANNUALLY THEREAFTER ON OR BEFORE MARCH 15. THE  
28 ANNUAL MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT REPORT SHALL INCLUDE  
29 AT LEAST THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR FOR EACH  
30 TYPE OF MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT ACQUIRED OR DEPLOYED:

31 1. A SUMMARY OF HOW THE MILITARY EQUIPMENT OR SURVEILLANCE  
32 EQUIPMENT WAS USED.

33 2. WHETHER AND HOW OFTEN COLLECTED SURVEILLANCE DATA WAS SHARED  
34 WITH ANY EXTERNAL PERSONS OR ENTITIES, THE NAME OF ANY RECIPIENT PERSON OR  
35 ENTITY, THE TYPES OF DATA DISCLOSED, UNDER WHAT LEGAL STANDARDS THE  
36 INFORMATION WAS DISCLOSED AND THE JUSTIFICATION FOR THE DISCLOSURES.

37 3. IF APPLICABLE, A BREAKDOWN OF WHERE THE MILITARY EQUIPMENT OR  
38 SURVEILLANCE EQUIPMENT WAS DEPLOYED GEOGRAPHICALLY, BY INDIVIDUAL CENSUS  
39 TRACT AS DEFINED IN THE RELEVANT YEAR BY THE UNITED STATES BUREAU OF THE  
40 CENSUS. FOR EACH CENSUS TRACT, THE MUNICIPALITY, THE COUNTY OR THIS STATE  
41 SHALL REPORT THE NUMBER OF INDIVIDUAL DAYS THE MILITARY EQUIPMENT OR  
42 SURVEILLANCE EQUIPMENT WAS DEPLOYED AND THE PERCENTAGE OF THOSE DAILY  
43 REPORTED DEPLOYMENTS THAT WERE SUBJECT TO A WARRANT OR A NONWARRANT FORM  
44 OF COURT AUTHORIZATION.

1 4. IF APPLICABLE, AND WITH THE GREATEST PRECISION THAT IS  
2 REASONABLY PRACTICABLE, THE AMOUNT OF TIME THE SURVEILLANCE EQUIPMENT WAS  
3 USED TO MONITOR INTERNET ACTIVITY, THE NUMBER OF PEOPLE AFFECTED AND WHAT  
4 PERCENTAGE OF THE REPORTED MONITORING WAS SUBJECT TO A WARRANT OR A  
5 NONWARRANT FORM OF COURT AUTHORIZATION.

6 5. A SUMMARY OF COMPLAINTS OR CONCERNS THAT WERE RECEIVED ABOUT THE  
7 MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT.

8 6. THE RESULTS OF ANY INTERNAL AUDITS, ANY INFORMATION ABOUT  
9 VIOLATIONS OF THE MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT USE POLICY  
10 AND ANY ACTIONS TAKEN IN RESPONSE TO THOSE VIOLATIONS.

11 7. AN ANALYSIS OF ANY DISCRIMINATORY, DISPARATE OR OTHER ADVERSE  
12 IMPACTS THE USE OF THE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT MAY  
13 HAVE HAD ON THE PUBLIC'S SAFETY, CIVIL RIGHTS AND CIVIL LIBERTIES,  
14 INCLUDING ON THOSE RIGHTS AND LIBERTIES GUARANTEED BY THE FIRST, FOURTH  
15 AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

16 8. THE TOTAL ANNUAL COSTS FOR THE MILITARY EQUIPMENT OR  
17 SURVEILLANCE EQUIPMENT, INCLUDING OPERATING PERSONNEL, MAINTENANCE AND  
18 OTHER ONGOING COSTS, AND THE SOURCE OF FUNDING FOR THE MILITARY EQUIPMENT  
19 OR SURVEILLANCE EQUIPMENT IN THE COMING YEAR.

20 B. WITHIN THIRTY DAYS AFTER SUBMITTING AND PUBLICLY RELEASING AN  
21 ANNUAL MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT REPORT PURSUANT TO  
22 SUBSECTION A OF THIS SECTION, THE MUNICIPALITY, THE COUNTY OR THIS STATE  
23 SHALL HOLD ONE OR MORE WELL-PUBLICIZED AND CONVENIENTLY LOCATED COMMUNITY  
24 ENGAGEMENT MEETINGS AT WHICH THE GENERAL PUBLIC IS INVITED TO DISCUSS AND  
25 ASK QUESTIONS REGARDING THE ANNUAL MILITARY EQUIPMENT AND SURVEILLANCE  
26 EQUIPMENT REPORT AND THE MUNICIPALITY'S, THE COUNTY'S OR THIS STATE'S  
27 ACQUISITION OR DEPLOYMENT OF THE MILITARY EQUIPMENT AND SURVEILLANCE  
28 EQUIPMENT.

29 C. BASED ON INFORMATION PROVIDED IN THE ANNUAL MILITARY EQUIPMENT  
30 AND SURVEILLANCE EQUIPMENT REPORT, THE APPROVING ENTITY SHALL DETERMINE  
31 WHETHER EACH TYPE OF MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT  
32 IDENTIFIED MEETS THE STANDARD FOR APPROVAL SET FORTH IN SECTION 26-276.  
33 IF THE STANDARD FOR APPROVAL IS NOT MET, THE APPROVING ENTITY SHALL DIRECT  
34 THAT THE USE OF THE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT BE  
35 DISCONTINUED OR SHALL REQUIRE MODIFICATIONS TO THE MILITARY EQUIPMENT AND  
36 SURVEILLANCE EQUIPMENT USE POLICY THAT WILL RESOLVE THE OBSERVED FAILURES.

37 26-278. Annual public report

38 NOT LATER THAN APRIL 15 OF EACH YEAR, EACH APPROVING ENTITY OR THE  
39 APPROVING ENTITY'S DESIGNEE SHALL RELEASE AN ANNUAL PUBLIC REPORT, IN  
40 PRINT AND ON ITS PUBLIC WEBSITE, CONTAINING THE FOLLOWING INFORMATION FOR  
41 THE PRECEDING CALENDAR YEAR:

42 1. THE NUMBER OF REQUESTS FOR APPROVAL SUBMITTED TO THE APPROVING  
43 ENTITY PURSUANT TO THIS ARTICLE FOR FUNDING, ACQUIRING OR NEWLY DEPLOYING  
44 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT.

1           2. THE NUMBER OF TIMES THE APPROVING ENTITY APPROVED REQUESTS  
2 SUBMITTED UNDER THIS ARTICLE FOR FUNDING, ACQUIRING OR NEWLY DEPLOYING  
3 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT.

4           3. THE NUMBER OF TIMES THE APPROVING ENTITY REJECTED REQUESTS  
5 SUBMITTED UNDER THIS ARTICLE FOR FUNDING, ACQUIRING OR NEWLY DEPLOYING  
6 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT.

7           4. THE NUMBER OF TIMES THE APPROVING ENTITY REQUESTED THAT  
8 MODIFICATIONS BE MADE TO MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT  
9 IMPACT REPORTS AND MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT USE  
10 POLICIES BEFORE IT APPROVED FUNDING, ACQUIRING OR NEWLY DEPLOYING MILITARY  
11 EQUIPMENT AND SURVEILLANCE EQUIPMENT.

12           5. ALL ANNUAL MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT REPORTS  
13 SUBMITTED PURSUANT TO SECTION 26-277. PRINTED COPIES OF THE PUBLIC REPORT  
14 MAY CONTAIN PINPOINT REFERENCES TO ONLINE LOCATIONS WHERE THE ANNUAL  
15 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT REPORTS ARE LOCATED INSTEAD  
16 OF REPRINTING THE FULL REPORTS.

17           26-279. Community advisory committee on military equipment  
18                                   and surveillance equipment; equity impact  
19                                   assessment and policy guidance

20           A. WITHIN THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS ARTICLE,  
21 EACH APPROVING ENTITY SHALL APPOINT A COMMUNITY ADVISORY COMMITTEE ON  
22 MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT TO PROVIDE THE MUNICIPALITY,  
23 THE COUNTY OR THIS STATE WITH BROAD PRINCIPLES TO HELP GUIDE DECISIONS  
24 ABOUT WHETHER AND HOW MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT SHOULD  
25 BE ACQUIRED AND DEPLOYED BY THE MUNICIPALITY, THE COUNTY OR THIS STATE.

26           B. THE MEMBERSHIP OF THE COMMUNITY ADVISORY COMMITTEE ON MILITARY  
27 EQUIPMENT AND SURVEILLANCE EQUIPMENT SHALL REFLECT THE DIVERSITY OF THE  
28 MUNICIPALITY'S, THE COUNTY'S OR THIS STATE'S RESIDENTS, AND SPECIAL  
29 EFFORTS SHALL BE MADE TO ENSURE THAT COMMUNITIES THAT HAVE HISTORICALLY  
30 BEEN DISPROPORTIONATELY SUBJECTED TO TARGETING BY MILITARY EQUIPMENT AND  
31 SURVEILLANCE EQUIPMENT ARE WELL REPRESENTED.

32           C. THE MEMBERS OF THE COMMUNITY ADVISORY COMMITTEE ON MILITARY  
33 EQUIPMENT AND SURVEILLANCE EQUIPMENT SHALL ANNUALLY ELECT A CHAIRPERSON  
34 AND VICE CHAIRPERSON.

35           D. NOT LATER THAN SEPTEMBER 15 OF EACH YEAR, THE COMMUNITY ADVISORY  
36 COMMITTEE ON MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT SHALL PRODUCE  
37 AND SUBMIT TO THE APPROVING ENTITY A MILITARY EQUIPMENT AND SURVEILLANCE  
38 EQUIPMENT COMMUNITY EQUITY IMPACT ASSESSMENT AND POLICY GUIDANCE, WHICH  
39 SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING:

40           1. THE COMMUNITIES AND GROUPS IN THE MUNICIPALITY, THE COUNTY OR  
41 THIS STATE, IF ANY, THAT ARE DISPROPORTIONATELY IMPACTED BY THE DEPLOYMENT  
42 OF MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT, THE DISPARITIES THAT  
43 WERE PERCEIVED OR EXPERIENCED AND THE RESULTING ADVERSE IMPACTS ON EACH  
44 COMMUNITY'S OR GROUP'S SAFETY, CIVIL RIGHTS AND CIVIL LIBERTIES.

1           2. WITH RESPECT TO EACH PERCEIVED OR EXPERIENCED DISPARITY  
2 IDENTIFIED IN PARAGRAPH 1 OF THIS SUBSECTION, THE REMEDIAL ADJUSTMENTS TO  
3 LAWS AND POLICIES, INCLUDING PRIOR APPROVALS UNDER SECTION 26-273,  
4 SUBSECTION A THAT SHOULD BE MADE TO ACHIEVE A MORE JUST AND EQUITABLE  
5 OUTCOME IN THE FUTURE.

6           3. WITH RESPECT TO EACH REMEDIAL ADJUSTMENT IDENTIFIED IN PARAGRAPH  
7 2 OF THIS SUBSECTION, THE ADDITIONAL FUNDING, IMPLEMENTATION STRATEGIES  
8 AND ACCOUNTABILITY MECHANISMS NEEDED TO ACHIEVE THE ADJUSTMENT.

9           4. THE NEW APPROACHES AND CONSIDERATIONS THAT THE APPROVING ENTITY  
10 SHOULD BRING TO FUTURE REVIEWS OF APPLICATIONS SUBMITTED PURSUANT TO  
11 SECTION 26-273 TO ADDRESS THE FINDINGS IN PARAGRAPHS 1, 2 AND 3 OF THIS  
12 SUBSECTION.

13           26-280. Remedies; violation; classification

14           A. ANY VIOLATION OF THIS ARTICLE, INCLUDING FUNDING, ACQUIRING OR  
15 DEPLOYING MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT THAT HAS NOT BEEN  
16 APPROVED PURSUANT TO THIS ARTICLE OR USING MILITARY EQUIPMENT OR  
17 SURVEILLANCE EQUIPMENT IN A MANNER OR FOR A PURPOSE THAT HAS NOT BEEN  
18 APPROVED PURSUANT TO THIS ARTICLE, CONSTITUTES AN INJURY, AND ANY PERSON  
19 MAY INSTITUTE PROCEEDINGS FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, A  
20 WRIT OF MANDATE OR EVIDENCE SUPPRESSION IN ANY COURT OF COMPETENT  
21 JURISDICTION TO ENFORCE THIS ARTICLE.

22           B. A COURT SHALL AWARD COSTS AND REASONABLE ATTORNEY FEES TO THE  
23 PLAINTIFF WHO IS THE PREVAILING PARTY IN AN ACTION BROUGHT TO ENFORCE THIS  
24 ARTICLE.

25           C. ANY PERSON WHO KNOWINGLY VIOLATES THIS ARTICLE IS GUILTY OF A  
26 CLASS 1 MISDEMEANOR.

27           26-281. Whistleblower protections

28           A MUNICIPALITY, A COUNTY OR THIS STATE, OR ANYONE ACTING ON BEHALF  
29 OF A MUNICIPALITY, A COUNTY OR THIS STATE, MAY NOT RETALIATE AGAINST ANY  
30 EMPLOYEE OR APPLICANT FOR EMPLOYMENT, INCLUDING DISCRIMINATING WITH  
31 RESPECT TO COMPENSATION, TERMS OF EMPLOYMENT, CONDITIONS OF EMPLOYMENT,  
32 ACCESS TO INFORMATION, DUE PROCESS RIGHTS, PRIVILEGES OF EMPLOYMENT OR  
33 CIVIL OR CRIMINAL LIABILITY, BECAUSE THE EMPLOYEE OR APPLICANT WAS  
34 PERCEIVED TO ASSIST, WAS ABOUT TO ASSIST OR ASSISTED IN ANY LAWFUL  
35 DISCLOSURE OF INFORMATION CONCERNING FUNDING, ACQUIRING OR DEPLOYING  
36 MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT OR SHARING SURVEILLANCE DATA  
37 WITH ANY RELEVANT MUNICIPAL, COUNTY OR STATE AGENCY, ANY LAW ENFORCEMENT,  
38 PROSECUTORIAL OR INVESTIGATORY OFFICE OR A MEMBER OF THE APPROVING ENTITY  
39 BASED ON A GOOD FAITH BELIEF THAT THE DISCLOSURE EVIDENCED A VIOLATION OF  
40 THIS ARTICLE.

41           26-282. Conflicting contractual agreements prohibited;  
42                                   certain public-private contracts prohibited

43           A. A MUNICIPALITY, A COUNTY OR THIS STATE MAY NOT ENTER INTO ANY  
44 CONTRACT OR OTHER AGREEMENT THAT CONFLICTS WITH THIS ARTICLE, AND ANY  
45 CONFLICTING PROVISIONS IN SUCH A CONTRACT OR AGREEMENT, INCLUDING

1 NONDISCLOSURE AGREEMENTS, ARE VOID AND LEGALLY UNENFORCEABLE. CONFLICTING  
2 PROVISIONS IN A CONTRACT OR AGREEMENT SIGNED BEFORE THE EFFECTIVE DATE OF  
3 THIS ARTICLE ARE VOID AND LEGALLY UNENFORCEABLE TO THE EXTENT ALLOWED BY  
4 LAW.

5 B. A MUNICIPALITY, A COUNTY OR THIS STATE MAY NOT ENTER INTO ANY  
6 CONTRACT OR OTHER AGREEMENT THAT FACILITATES RECEIVING MILITARY EQUIPMENT  
7 OR SURVEILLANCE EQUIPMENT FROM OR PROVIDING SURVEILLANCE DATA TO ANY  
8 NONGOVERNMENTAL ENTITY IN EXCHANGE FOR ANY MONETARY OR ANY OTHER FORM OF  
9 CONSIDERATION FROM ANY SOURCE, INCLUDING ASSESSING ANY ADDITIONAL FEES,  
10 INTEREST OR SURCHARGES ON UNPAID FINES OR DEBTS. ANY CONTRACT OR  
11 AGREEMENT SIGNED BEFORE THE EFFECTIVE DATE OF THIS ARTICLE THAT VIOLATES  
12 THIS SECTION SHALL BE TERMINATED AS SOON AS IS LEGALLY PERMISSIBLE.

13 Sec. 2. Review of preexisting uses

14 A. If any municipality, any county or this state seeks to continue  
15 the use of any military equipment or surveillance equipment that was  
16 acquired before the effective date of this act, or the sharing of  
17 surveillance data therefrom, the municipality, the county or this state  
18 shall commence the approval process in accordance with section 26-273,  
19 Arizona Revised Statutes, as added by this act, not later than one hundred  
20 twenty days after the effective date of this act.

21 B. If the approving entity has not approved the continuing  
22 deployment of the military equipment or surveillance equipment within one  
23 hundred eighty days after the municipality, the county or this state  
24 submits to the approving entity the military equipment and surveillance  
25 equipment impact report and military equipment and surveillance equipment  
26 use policy pursuant to section 26-274, Arizona Revised Statutes, as added  
27 by this act, the municipality, the county or this state shall cease its  
28 use of the military equipment or surveillance equipment and the sharing of  
29 any surveillance data therefrom until approval is obtained in accordance  
30 with this act.