

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

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1338

Introduced by
Senators Mendez: Diaz, Fernandez, Gonzales, Hatathlie, Hernandez;
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. "DISCRIMINATION" 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 OR ELECTRONIC SURVEILLANCE
20 HARDWARE OR SOFTWARE THAT IS CAPABLE OF COLLECTING, CAPTURING, RECORDING,
21 RETAINING, PROCESSING, INTERCEPTING, ANALYZING, MONITORING OR SHARING
22 AUDIO, VISUAL, DIGITAL, LOCATION, THERMAL, BIOMETRIC OR SIMILAR
23 INFORMATION OR COMMUNICATIONS SPECIFICALLY ASSOCIATED WITH, OR CAPABLE OF
24 BEING ASSOCIATED WITH, ANY SPECIFIC INDIVIDUAL OR GROUP.

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

28 (b) INCLUDES:

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

31 (ii) AUTOMATIC LICENSE PLATE READERS.

32 (iii) ELECTRONIC TOLL READERS.

33 (iv) CLOSED-CIRCUIT TELEVISION CAMERAS.

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

36 (vi) MOBILE DNA CAPTURE TECHNOLOGY.

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

38 (viii) X-RAY VANS.

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

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

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

45 (xii) SOCIAL MEDIA MONITORING SOFTWARE.

- 1 (xiii) THROUGH-THE-WALL RADAR OR SIMILAR IMAGING TECHNOLOGY.
- 2 (xiv) PASSIVE SCANNERS OF RADIO NETWORKS.
- 3 (xv) LONG-RANGE BLUETOOTH AND OTHER WIRELESS-SCANNING DEVICES.
- 4 (xvi) RADIO FREQUENCY IDENTIFICATION SCANNERS.
- 5 (xvii) SOFTWARE DESIGNED TO INTEGRATE OR ANALYZE DATA FROM
- 6 SURVEILLANCE TECHNOLOGY, INCLUDING SURVEILLANCE TARGET TRACKING AND
- 7 PREDICTIVE POLICING SOFTWARE.

8 (c) DOES NOT INCLUDE THE FOLLOWING, UNLESS THEY HAVE BEEN EQUIPPED
9 WITH, OR ARE MODIFIED TO BECOME OR INCLUDE, SURVEILLANCE TECHNOLOGY LISTED
10 IN SUBDIVISION (b) OF THIS PARAGRAPH:

11 (i) ROUTINE OFFICE HARDWARE, SUCH AS A TELEVISION, COMPUTER OR
12 PRINTER, THAT IS IN WIDESPREAD PUBLIC USE AND WILL NOT BE USED FOR ANY
13 SURVEILLANCE OR SURVEILLANCE-RELATED FUNCTIONS.

14 (ii) PARKING TICKET DEVICES.

15 (iii) MANUALLY OPERATED AND NONWEARABLE HANDHELD DIGITAL CAMERAS,
16 AUDIO RECORDERS AND VIDEO RECORDERS THAT ARE NOT DESIGNED TO BE USED
17 SURREPTITIOUSLY AND WHOSE FUNCTIONALITY IS LIMITED TO MANUALLY CAPTURING
18 AND MANUALLY DOWNLOADING VIDEO OR AUDIO RECORDINGS, OR BOTH.

19 (iv) SURVEILLANCE DEVICES THAT CANNOT RECORD OR TRANSMIT AUDIO OR
20 VIDEO OR BE REMOTELY ACCESSED, SUCH AS IMAGE-STABILIZING BINOCULARS.

21 (v) MUNICIPAL, COUNTY OR STATE AGENCY DATABASES THAT DO NOT AND
22 WILL NOT CONTAIN ANY DATA OR OTHER INFORMATION COLLECTED, CAPTURED,
23 RECORDED, RETAINED, PROCESSED, INTERCEPTED OR ANALYZED BY SURVEILLANCE
24 TECHNOLOGY.

25 (vi) MANUALLY OPERATED TECHNOLOGICAL DEVICES THAT ARE USED
26 PRIMARILY FOR INTERNAL MUNICIPAL ENTITY COMMUNICATIONS AND THAT ARE NOT
27 DESIGNED TO SURREPTITIOUSLY COLLECT SURVEILLANCE DATA, SUCH AS RADIOS AND
28 EMAIL SYSTEMS.

29 7. "VIEWPOINT-BASED" MEANS TARGETED AT ANY COMMUNITY OR GROUP OR
30 ITS MEMBERS BECAUSE OF THE MEMBERS' EXERCISE OF RIGHTS PROTECTED UNDER THE
31 FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

32 26-272. Construction of article; use of military equipment
33 and surveillance equipment; prohibition; collective
34 bargaining agreements

35 A. THE ENUMERATION OF MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT
36 IN THIS ARTICLE DOES NOT ENDORSE OR APPROVE THEIR USE BY ANY MUNICIPALITY,
37 ANY COUNTY OR THIS STATE.

38 B. MUNICIPAL, COUNTY AND STATE EMPLOYEES OR AGENTS MAY NOT:

39 1. USE ANY MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT EXCEPT IN A
40 MANNER CONSISTENT WITH POLICIES APPROVED PURSUANT TO THE TERMS OF THIS
41 ARTICLE.

42 2. USE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT IN A MANNER
43 THAT IS DISCRIMINATORY, IS VIEWPOINT-BASED OR VIOLATES A CITY CHARTER, IF
44 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 equipment and surveillance equipment
11 funding, acquisition or deployment; approval
12 required; 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 THAT ALL OF THE FOLLOWING ARE TRUE:

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 A DETERMINATION 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 CENSUS BUREAU.
40 FOR EACH CENSUS TRACT, THE MUNICIPALITY, THE COUNTY OR THIS STATE SHALL
41 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 DISCRIMINATION, DISPARATE IMPACT OR OTHER
12 ADVERSE IMPACT THE USE OF THE MILITARY EQUIPMENT OR SURVEILLANCE EQUIPMENT
13 MAY 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 EACH YEAR, EACH APPROVING ENTITY OR THE
39 APPROVING ENTITY'S DESIGNEE SHALL RELEASE A PUBLIC REPORT, IN PRINT AND ON
40 ITS PUBLIC WEBSITE, CONTAINING THE FOLLOWING INFORMATION FOR THE PRECEDING
41 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 committees on military equipment
18 and surveillance equipment; equity impact
19 assessments 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 EACH 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 EACH 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, EACH COMMUNITY
36 ADVISORY COMMITTEE ON MILITARY EQUIPMENT AND SURVEILLANCE EQUIPMENT SHALL
37 PRODUCE AND SUBMIT TO THE APPROVING ENTITY A MILITARY EQUIPMENT AND
38 SURVEILLANCE EQUIPMENT COMMUNITY EQUITY IMPACT ASSESSMENT AND POLICY
39 GUIDANCE, WHICH 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, DISPARATE IMPACTS 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 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 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.