

## **Summaries of AB481 and AB48, now California law.**

Signed into law in 2021, AB 481's intention is to increase transparency about what is in law enforcement's possession at the city, county, college and carceral facilities. It requires reporting of funding, acquisition, use and oversight of military equipment.

### **For AB 48**

Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified.....

This bill would prohibit the use of kinetic energy projectiles (eg. rubber bullets) or chemical agents (eg. tear gas) by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

### **For AB 481 (from the Legislative Counsel's Digest)**

AB 481 states the public has the right to be informed of any additional purchases and renewals.

This bill would require a law enforcement agency.....to obtain approval of the applicable governing body, (eg, City Council or Board of Supervisors) by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions related to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to Jan.1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance, and to either disapprove a renewal of the authorization for a type, as defined, of military equipment, or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency.....that the military equipment does not comply with the.....standards for approval .....

The governing body shall only approve a military equipment use policy .....if it determines all of the following:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time.....