

STATE OF NEW YORK

8476

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

Introduced by M. of A. BLUMENCRANZ -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to body armor and certain exemptions relating to a United States military ally

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 270.22 of the penal law, as amended by chapter 371
2 of the laws of 2022, is amended to read as follows:

3 § 270.22 Unlawful sale of body armor.

4 A person is guilty of the unlawful sale of body armor when they sell,
5 exchange, give or dispose of body armor, as such term is defined in
6 subdivision two of section 270.20 of this article, to an individual whom
7 they know or reasonably should have known is not engaged or employed in
8 an eligible profession, as such term is defined in section 270.21 of
9 this article, except where such individual is in an exempt class estab-
10 lished in section 270.23 of this article, or where the seller has reason
11 to believe such individual is in an exempt class.

12 Unlawful sale of body armor is a class A misdemeanor for the first
13 offense and a class E felony for any subsequent offense.

14 § 2. Section 270.21 of the penal law, as amended by chapter 371 of the
15 laws of 2022, is amended to read as follows:

16 § 270.21 Unlawful purchase of body armor.

17 A person is guilty of the unlawful purchase of body armor when, not
18 being engaged or employed in an eligible profession, they knowingly
19 purchase or take possession of body armor, as such term is defined in
20 subdivision two of section 270.20 of this article. This section shall
21 not apply to individuals or entities in an exempt class as established
22 in section 270.23 of this article, or to individuals or entities engaged
23 or employed in eligible professions, which shall include police officers
24 as defined in section 1.20 of the criminal procedure law, peace officers
25 as defined in section 2.10 of the criminal procedure law, persons in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13437-02-3

1 military service in the state of New York or military or other service
2 for the United States, and such other professions designated by the
3 department of state in accordance with section one hundred forty-four-a
4 of the executive law.

5 Unlawful purchase of body armor is a class A misdemeanor for a first
6 offense and a class E felony for any subsequent offense.

7 § 3. The penal law is amended by adding a new section 270.23 to read
8 as follows:

9 § 270.23 Exempt Class.

10 1. Any individual or entity engaged in assisting a United States mili-
11 tary ally in an ongoing military conflict shall not be required to be
12 engaged or employed in an eligible profession for the purposes of this
13 article. "United States military ally" shall have the same meaning as
14 42 USC §1711(d). For the purposes of this section, "assisting" shall
15 include, but not be limited to, providing funding, material and non-ma-
16 terial support, and volunteering, whether done in a personal capacity or
17 on behalf of an entity in an exempt class, regardless of whether such
18 entity is based in the United States or abroad.

19 2. The secretary of state shall develop and provide an application
20 process and documentation certifying an individual or an entity as part
21 of an exempt class. Where necessary, the secretary of state shall
22 collaborate with state and federal agencies and the appropriate authori-
23 ties of a United States military ally to issue regulations to ensure
24 proper verification of individuals and entities in an exempt class.

25 § 4. This act shall take effect immediately.