

6774

2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

Introduced by M. of A. P. RIVERA, WEISENBERG, PHEFFER, JOHN, ORTIZ, MARKEY, PERALTA, N. RIVERA, ROBINSON, SWEENEY, ESPAILLAT, COLTON, SAYWARD -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BACALLES, BARRA, BENEDETTO, BENJAMIN, BRENNAN, BRODSKY, BURLING, BUTLER, CAHILL, CALHOUN, CROUCH, DelMONTE, ENGLEBRIGHT, ERRIGO, FINCH, FITZPATRICK, GALEF, GIGLIO, HAYES, KOLB, LATIMER, LUPARDO, MAGNARELLI, MAYERSOHN, MILLER, MILLMAN, NOLAN, O'MARA, PEOPLES, PERRY, QUINN, RAIA, REILICH, REILLY, WALKER, WEINSTEIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring that all police officers be provided with bullet and knife proof soft body armor vests; and to repeal subdivision 13 of section 837-d of such law relating to members of the division of state police

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading of section 837-d of the executive law,
2 as added by chapter 84 of the laws of 1984, is amended to read as
3 follows:
4 Soft body [ballistic] armor vests for police officers.
5 S 2. Paragraph (b) of subdivision 1 of section 837-d of the executive
6 law, as added by chapter 84 of the laws of 1984, is amended to read as
7 follows:
8 (b) "Vest" means a soft body [ballistic] armor vest, WHICH COMPLIES
9 WITH THE PROVISIONS OF THIS SECTION;
10 S 3. Section 837-d of the executive law is amended by adding a new
11 subdivision 1-a to read as follows:
12 1-A. EVERY POLICE OFFICER SHALL BE PROVIDED WITH A VEST BY HIS OR HER
13 EMPLOYER. EVERY SUCH VEST SHALL BE BULLET PROOF AND KNIFE PROOF; PROVIDE
14 FRONT, BACK AND SIDE PROTECTION; AND BE DESIGNATED AS NOT LESS THAN A
15 LEVEL III-A VEST BY THE NATIONAL INSTITUTE FOR JUSTICE. ANY VEST WHICH
16 DOES NOT MEET THE REQUIREMENTS OF THIS SUBDIVISION SHALL BE IMMEDIATELY

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

LBD09488-01-9

1 DISCARDED AND BE REPLACED WITH A VEST WHICH COMPLIES WITH THIS SUBDIVI-
2 SION. EVERY EMPLOYER OF POLICE OFFICERS SHALL CONDUCT MONTHLY
3 INSPECTIONS TO ENSURE THAT THE VESTS WORN BY ITS POLICE OFFICERS ARE IN
4 COMPLIANCE WITH THIS SUBDIVISION.

5 S 4. Subdivision 3 of section 837-d of the executive law, as amended
6 by chapter 503 of the laws of 1991, is amended to read as follows:

7 3. Reimbursement shall be made only for vests which at the time of
8 purchase meet or exceed the minimum standards and specifications in
9 effect on that date as prescribed by rules and regulations promulgated
10 pursuant to subdivisions six and six-a of this section, and shall be
11 limited to the total amount appropriated for such purpose. Reimbursement
12 for any vest shall not exceed an amount which in the judgment of the
13 commissioner would be the cost of a vest conforming to minimum standards
14 and specifications in effect at the time the vest was purchased.
15 Selection of vests shall be a determination to be made by the applicant
16 in accordance with rules and regulations promulgated by the commission-
17 er. Such rules and regulations shall provide that, subject to the
18 provisions of subdivisions six and six-a of this section, the applicant
19 [may] SHALL select [from a range of] vests [including those] commonly
20 known or classified as [type I, type II-A, type II or] type III-A in
21 such standard classification systems as the national institute of
22 justice standards for ballistic AND KNIFE resistance of police body
23 armor AND WHICH PROVIDE FRONT, BACK AND SIDE PROTECTION.

24 S 5. Subdivision 6 of section 837-d of the executive law, as amended
25 by chapter 555 of the laws of 1988, is amended to read as follows:

26 6. The commissioner shall promulgate regulations prescribing standards
27 and specifications for vests and procedures for vest selection by and
28 reimbursement to applicants. In promulgating such regulations, the
29 commissioner shall give due consideration to:

30 (a) the maximum total weight of a vest which provides adequate
31 protection against ballistic AND KNIFE penetration and trauma, and which
32 may be worn in comfort throughout an eight hour tour of duty;

33 (b) the ballistic specifications which the vest or any part thereof
34 must be capable of defeating which shall include, but not be limited to,
35 the ballistic specifications of any firearms considered to be standard
36 issue to eligible police officers;

37 (c) THE KNIFE PERFORATION SPECIFICATIONS WHICH THE VEST OR ANY PART
38 THEREOF MUST BE CAPABLE OF DEFEATING;

39 (D) THE REQUIREMENT THAT VESTS SHALL PROVIDE FRONT, BACK AND SIDE
40 PROTECTION;

41 (E) THE REQUIREMENT THAT VESTS SHALL BE DESIGNATED AS NOT LESS THAN A
42 LEVEL III-A BY THE NATIONAL INSTITUTE OF JUSTICE;

43 (F) the testing procedures appropriate to determining the effective-
44 ness of such vests;

45 [(d)] (G) the labeling requirements for the vests and component parts
46 thereof; and

47 [(e)] (H) the commercial availability of conforming vests.

48 S 6. Subdivision 13 of section 837-d of the executive law is REPEALED.

49 S 7. This act shall take effect immediately.