

7693

2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

Introduced by M. of A. P. RIVERA -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing replacement periods of soft bodied ballistic armor vests for police officers

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

1 Section 1. Subdivisions 3 and 4-a of section 837-d of the executive
2 law, subdivision 3 as amended by chapter 503 of the laws of 1991 and
3 subdivision 4-a as added by chapter 555 of the laws of 1988, are amended
4 to read as follows:

5 3. Reimbursement shall be made only for vests which at the time of
6 purchase meet or exceed the minimum standards and specifications in
7 effect on that date as prescribed by rules and regulations promulgated
8 pursuant to subdivisions six and six-a of this section, and shall be
9 limited to the total amount appropriated for such purpose. Reimbursement
10 for any vest shall not exceed an amount which in the judgment of the
11 commissioner would be the cost of a vest conforming to minimum standards
12 and specifications in effect at the time the vest was purchased.
13 Selection of vests shall be a determination to be made by the applicant
14 in accordance with rules and regulations promulgated by the commission-
15 er. Such rules and regulations shall provide that, subject to the
16 provisions of subdivisions six and six-a of this section, the applicant
17 may select from a range of vests including those commonly known or clas-
18 sified as type I, type II-A, type II or type III-A in such standard
19 classification systems as the national institute of justice standards
20 for ballistic resistance of police body armor. IN NO EVENT, HOWEVER,
21 SHALL A VEST BE KEPT FOR ACTIVE USE MORE THAN FIVE YEARS AFTER BEING
22 ISSUED TO A POLICE OFFICER UNLESS OTHERWISE DIRECTED BY COMPETENT
23 AUTHORITY.

24 4-a. An applicant for reimbursement pursuant to this section shall
25 report the name of each eligible police officer for whom reimbursement

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

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1 is sought. The applicant shall report whether such eligible police offi-
2 cer or officers have, at any time during the [ten] FIVE years immediate-
3 ly preceding the application for reimbursement, been provided with any
4 other vest for which reimbursement pursuant to this section was
5 provided, the date of any such prior reimbursement and any other infor-
6 mation that the commissioner may require for accurate record-keeping and
7 accountability and for evaluation of performance, wear and officer use
8 of vests.

9 S 2. This act shall take effect on the ninetieth day after it shall
10 have become a law.