S T A T E O F N E W Y O R K

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:

Section 1. The section heading of section 837-d of the executive law, as added by chapter 84 of the laws of 1984, is amended to read as follows:

Soft body [ballistic] armor vests for police officers.

S 2. Paragraph (b) of subdivision 1 of section 837-d of the executive law, as added by chapter 84 of the laws of 1984, is amended to read as follows:

(b) "Vest" means a soft body [ballistic] armor vest, WHICH COMPLIES WITH THE PROVISIONS OF THIS SECTION;

S 3. Section 837-d of the executive law is amended by adding a new subdivision 1-a to read as follows:

1-A. EVERY POLICE OFFICER SHALL BE PROVIDED WITH A VEST BY HIS OR HER EMPLOYER. EVERY SUCH VEST SHALL BE BULLET PROOF AND KNIFE PROOF; PROVIDE FRONT, BACK AND SIDE PROTECTION; AND BE DESIGNATED AS NOT LESS THAN A LEVEL III-A VEST BY THE NATIONAL INSTITUTE FOR JUSTICE. ANY VEST WHICH 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

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

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

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

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

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

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

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

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

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

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

(F) the testing procedures appropriate to determining the effectiveness of such vests;

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

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

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

S 7. This act shall take effect immediately.