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

3345

2009-2010 Regular Sessions

I N S E N A T E

March 17, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

Section 1. Subdivisions 3 and 4-a of section 837-d of the executive law, subdivision 3 as amended by chapter 503 of the laws of 1991 and subdivision 4-a as added by chapter 555 of the laws of 1988, are 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 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 resistance of police body armor. IN NO EVENT, HOWEVER, SHALL A VEST BE KEPT FOR ACTIVE USE MORE THAN FIVE YEARS AFTER BEING ISSUED TO A POLICE OFFICER UNLESS OTHERWISE DIRECTED BY COMPETENT AUTHORITY.

4-a. An applicant for reimbursement pursuant to this section shall 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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is sought. The applicant shall report whether such eligible police officer or officers have, at any time during the [ten] FIVE years immediately preceding the application for reimbursement, been provided with any other vest for which reimbursement pursuant to this section was provided, the date of any such prior reimbursement and any other information that the commissioner may require for accurate record-keeping and accountability and for evaluation of performance, wear and officer use of vests.

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