

5080

2015-2016 Regular Sessions

I N   S E N A T E

April 30, 2015

---

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

AN ACT to amend the labor law, in relation to requiring employers who employ one or more police officers to provide ballistic soft-body armor vests to New York city police officers

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

1     Section 1. Paragraph d of subdivision 4 of section 27-a of the labor  
2     law is relettered paragraph e and a new paragraph d is added to read as  
3     follows:  
4     D. ANY EMPLOYER LOCATED IN A CITY WITH A POPULATION OF OVER ONE  
5     MILLION AND THAT EMPLOYS ONE OR MORE POLICE OFFICERS, AS DEFINED BY  
6     SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW,  
7     SHALL PROVIDE, AT THE EXPENSE OF THE EMPLOYER, A BALLISTIC SOFT-BODY  
8     ARMOR VEST TO EACH POLICE OFFICER ON OR AFTER THE EFFECTIVE DATE OF THIS  
9     PARAGRAPH AND SHALL REPLACE EACH POLICE OFFICER'S BALLISTIC SOFT-BODY  
10    ARMOR VEST AS REQUIRED BY THIS PARAGRAPH OR MORE STRINGENT REGULATIONS  
11    PROMULGATED BY THE COMMISSIONER IN CONSULTATION WITH THE DIVISION OF  
12    CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEV-  
13    EN-D OF THE EXECUTIVE LAW. UNLESS EXPRESSLY AGREED PURSUANT TO A COLLEC-  
14    TIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL NOT REQUIRE A POLICE OFFI-  
15    CER TO PURCHASE A BALLISTIC SOFT-BODY ARMOR VEST OUT OF A UNIFORM  
16    ALLOWANCE PROVIDED BY THE EMPLOYER OR ANY OTHER AMOUNT PAID BY THE  
17    EMPLOYER TO A POLICE OFFICER FOR THE PURPOSE OF PURCHASING UNIFORMS  
18    AND/OR EQUIPMENT.  
19    (I) AS USED IN THIS PARAGRAPH, "BALLISTIC SOFT-BODY ARMOR VEST" SHALL  
20    MEAN A CUSTOM-FITTED, CONCEALABLE, SOFT-BODY ARMOR OR BULLETPROOF VEST  
21    THAT MEETS OR EXCEEDS THE STANDARDS OF VESTS COMMONLY KNOWN OR CLASSI-  
22    FIED AS TYPE III-A WITH SIDE AND EXTENDED PROTECTION, OR ANY OTHER  
23    CUSTOM-FITTED, CONCEALABLE, SOFT-BODY ARMOR VEST THAT MAY BE DEVELOPED,  
24    TESTED, AND APPROVED WHICH EXCEEDS THE LEVEL OF PROTECTION OF THOSE

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

LBD09901-01-5

1 VESTS COMMONLY KNOWN OR CLASSIFIED AS TYPE III-A WITH SIDE AND EXTENDED  
2 PROTECTION IN SUCH STANDARD CLASSIFICATION SYSTEMS SET FORTH BY THE  
3 NATIONAL INSTITUTE OF JUSTICE AND FOUND TO MEET OR EXCEED (A) THE  
4 REQUIREMENTS OF NATIONAL INSTITUTE OF JUSTICE STANDARDS 0101.06 AND/OR  
5 THE HIGHEST INDUSTRY STANDARD THEN IN EFFECT AT THE TIME OR (B) ANY  
6 OTHER REQUIREMENTS FOR VESTS SET FORTH IN SUBSEQUENT REVISIONS THEREOF  
7 WHICH OTHERWISE COMPLY WITH MORE STRINGENT REQUIREMENTS SET FORTH IN  
8 REGULATIONS PROMULGATED BY THE COMMISSIONER. NOTHING IN THIS SECTION  
9 SHALL PROHIBIT AN EMPLOYER FROM PROVIDING POLICE OFFICERS UNDER ITS  
10 EMPLOY BALLISTIC SOFT-BODY ARMOR VESTS THAT EXCEED THE MINIMUM REQUIRE-  
11 MENTS SET FORTH IN THIS SUBPARAGRAPH OR REGULATIONS ADOPTED BY THE  
12 COMMISSIONER.

13 (II) ALL BALLISTIC SOFT-BODY ARMOR VESTS PROVIDED TO POLICE OFFICERS  
14 UNDER THIS PARAGRAPH ARE REQUIRED TO, AT A MINIMUM, BE REPLACED AT THE  
15 EXPENSE OF THE EMPLOYER (A) ON OR BEFORE THE EXPIRATION OF THE MANUFAC-  
16 Turer'S WARRANTY PERIOD BUT NOT LATER THAN FIVE YEARS AFTER THE DATE OR  
17 PURCHASE BY THE EMPLOYER; (B) AFTER ANY BALLISTIC SOFT-BODY ARMOR VEST  
18 SUSTAINS A HIT FROM A FIREARM OR PROJECTILE; (C) AFTER A BALLISTIC  
19 SOFT-ARMOR VEST IS DAMAGED OR DESTROYED DUE TO ITS USE IN SERVICE, WEAR,  
20 OR ANY OTHER REASON THAT WOULD AFFECT THE PROTECTIVE QUALITIES OF THE  
21 BALLISTIC SOFT-BODY ARMOR VEST NECESSITATING ITS REMOVAL FROM SERVICE;  
22 OR (D) WHEN, FOR ANY REASON, THE VEST DOES NOT PROPERLY FIT OR OTHERWISE  
23 DOES NOT PROVIDE THE NECESSARY PROTECTION FOR THE INDIVIDUAL POLICE  
24 OFFICER.

25 (III) NOTWITHSTANDING ANYTHING TO THE CONTRARY, TO OFFSET THE COST IN  
26 PROVIDING OR REPLACING BALLISTIC SOFT-BODY ARMOR VESTS AS REQUIRED BY  
27 THIS PARAGRAPH, AN EMPLOYER MAY APPLY FOR REIMBURSEMENT PURSUANT TO  
28 SECTION EIGHT HUNDRED THIRTY-SEVEN-D OF THE EXECUTIVE LAW OR ANY FEDERAL  
29 OR STATE PROGRAM THEN IN EFFECT FOR THE REIMBURSEMENT OR REPLACEMENT OF  
30 BALLISTIC SOFT-BODY ARMOR VESTS FOR POLICE OFFICERS WITHIN THE STATE.

31 S 2. The act shall take effect immediately.