STATE OF NEW YORK

9407--B

IN SENATE

May 24, 2022

Introduced by Sens. KAVANAGH, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the general business law and the executive law, in relation to the unlawful purchase and unlawful sale or delivery of a body vest

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding two new sections 270.21 and 270.22 to read as follows:

§ 270.21 Unlawful purchase of a body vest.

A person is guilty of the unlawful purchase of a body vest when, not being engaged or employed in an eligible profession, they knowingly purchase or take possession of a body vest, as such term is defined in subdivision two of section 270.20 of this article. This section shall not apply to individuals or entities engaged or employed in eligible professions, which shall include police officers as defined in section 1.20 of the criminal procedure law, peace officers as defined in section 2.10 of the criminal procedure law, persons in military service in the state of New York or military or other service for the United States, and such other professions designated by the department of state in accordance with section one hundred forty-four-a of the executive law.

Unlawful purchase of a body vest is a class A misdemeanor for a first offense and a class E felony for any subsequent offense.

§ 270.22 Unlawful sale of a body vest.

A person is guilty of the unlawful sale of a body vest when they sell, exchange, give or dispose of a body vest, as such term is defined in subdivision two of section 270.20 of this article, to an individual whom they know or reasonably should have known is not engaged or employed in an eligible profession, as such term is defined in section 270.21 of this article.

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

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Unlawful sale of a body vest is a class A misdemeanor for the first offense and a class E felony for any subsequent offense.

§ 2. The general business law is amended by adding a new section 396-eee to read as follows:

§ 396-eee. Unlawful sale or delivery of body vests. 1. No person, firm or corporation shall sell or deliver body vests to any individual or entity not engaged or employed in an eligible profession, and except as provided in subdivision three of this section, no such sale or delivery shall be permitted unless the transferee meets in person with the transferor to accomplish such sale or delivery.

2. The provisions of subdivision one of this section regarding in person sale or delivery shall not apply to purchases made by state or local government agencies for the purpose of furnishing such body vests to employees in eligible professions.

3. For the purposes of this section, "body vest" shall have the same meaning as defined in subdivision two of section 270.20 of the penal law.

4. Any person, firm or corporation that violate the provisions of this section shall be guilty of a violation punishable by a fine in an amount not to exceed five thousand dollars for the first offense and in an amount not to exceed ten thousand dollars for any subsequent offense.

§ 3. The executive law is amended by adding a new section 144-a to read as follows:

§ 144-a. Eligible professions for the purchase, sale, and use of body vests. The secretary of state in consultation with the division of criminal justice services, the division of homeland security and emergency services, the department of corrections and community supervision, the division of the state police, and the office of general services shall promulgate rules and regulations to establish criteria for eligible professions requiring the use of a body vest, as such term is defined in subdivision two of section 270.20 of the penal law. Such professions shall include those in which the duties may expose the individual to serious physical injury that may be prevented or mitigated by the wearing of a body vest. Such rules and regulations shall also include a process by which an individual or entity may request that the profession in which they engage be added to the list of eligible professions, a process by which the department shall approve such professions, and a process by which individuals and entities may present proof of engagement in eligible professions when purchasing a body vest.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.