

# STATE OF NEW YORK

5476

2023-2024 Regular Sessions

## IN ASSEMBLY

March 10, 2023

Introduced by M. of A. SMITH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the unlawful wearing of a body vest

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

1 Section 1. Subdivision 1 of section 270.20 of the penal law, as  
2 amended by chapter 371 of the laws of 2022, is amended to read as  
3 follows:

4 § 270.20 Unlawful wearing of body armor.

5 1. A person is guilty of the unlawful wearing of body armor when  
6 acting either alone or with one or more other persons he or she commits  
7 any [~~violent felony offense defined in section 70.02~~] misdemeanor or  
8 felony defined in this chapter while possessing a [~~firearm, rifle or~~  
9 ~~shotgun~~] deadly weapon defined in section 10.00 of this chapter and in  
10 the course of and in furtherance of such crime he or she wears body  
11 armor.

12 2. For the purposes of this section "body armor" means any product  
13 that is a personal protective body covering intended to protect against  
14 gunfire, regardless of whether such product is to be worn alone or is  
15 sold as a complement to another product or garment.

16 The unlawful wearing of body armor is a class E felony.

17 § 2. Section 70.25 of the penal law is amended by adding a new subdi-  
18 vision 2-h to read as follows:

19 2-h. Whenever a person is convicted of unlawful wearing of a body vest  
20 as defined in section 270.20 of this chapter, the sentence imposed by  
21 the court for such offense shall run consecutively to any sentence  
22 imposed upon conviction of a misdemeanor or felony offense defined in  
23 this chapter arising from the same criminal transaction.

24 § 3. This act shall take effect on the sixtieth day after it shall  
25 have become a law.

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

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