

STATE OF NEW YORK

7299

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

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

AN ACT to amend the penal law, in relation to the unlawful purchase and sale of body armor

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

1 Section 1. Section 270.21 of the penal law, as amended by chapter 371
2 of the laws of 2022, is amended to read as follows:

3 § 270.21 Unlawful purchase of body armor in the second degree.

4 A person is guilty of the unlawful purchase of body armor in the
5 second degree when, not being engaged or employed in an eligible profes-
6 sion, they knowingly purchase or take possession of body armor, as such
7 term is defined in subdivision two of section 270.20 of this article.
8 This section shall not apply to individuals or entities engaged or
9 employed in eligible professions, which shall include police officers as
10 defined in section 1.20 of the criminal procedure law, peace officers as
11 defined in section 2.10 of the criminal procedure law, [~~persons in mili-~~
12 ~~tary service in the state of New York or military or other service for~~
13 ~~the United States,~~] and such other professions designated by the depart-
14 ment of state in accordance with section one hundred forty-four-a of the
15 executive law. As it relates to knowingly taking possession of body
16 armor, this section shall not apply to persons in the military service
17 for the state of New York or military or other service for the United
18 States who are issued body armor as a requirement of such service.
19 "Eligible professions" shall not include members of the unorganized
20 militia as defined pursuant to subdivision two of section two of the
21 military law.

22 Unlawful purchase of body armor in the second degree is a class A
23 misdemeanor [~~for a first offense and a class E felony for any subsequent~~
24 ~~offense~~].

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

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1 § 2. The penal law is amended by adding a new section 270.21-a to read
2 as follows:

3 § 270.21-a Unlawful purchase of body armor in the first degree.

4 A person is guilty of the unlawful purchase of body armor in the first
5 degree when:

6 1. not being engaged or employed in an eligible profession, they know-
7 ingly purchase or take possession of body armor, as such term is defined
8 in subdivision two of section 270.20 of this article. This section shall
9 not apply to individuals or entities engaged or employed in eligible
10 professions, which shall include police officers as defined in section
11 1.20 of the criminal procedure law, peace officers as defined in section
12 2.10 of the criminal procedure law, and such other professions desig-
13 nated by the department of state in accordance with section one hundred
14 forty-four-a of the executive law. As it relates to knowingly taking
15 possession of body armor, this section shall not apply to persons in the
16 military service for the state of New York or military or other service
17 for the United States who are issued body armor as a requirement of such
18 service. "Eligible professions" shall not include members of the unor-
19 ganized militia as defined pursuant to subdivision two of section two of
20 the military law; and

21 2. has been convicted of the crime of unlawful purchase of body armor
22 in the second degree within the previous ten years.

23 Unlawful purchase of body armor in the first degree is a class E felo-
24 ny.

25 § 3. Section 270.22 of the penal law, as amended by chapter 371 of the
26 laws of 2022, is amended to read as follows:

27 § 270.22 Unlawful sale of body armor in the second degree.

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

34 Unlawful sale of body armor in the second degree is a class A misde-
35 meanor [~~for the first offense and a class E felony for any subsequent~~
36 ~~offense~~].

37 § 4. The penal law is amended by adding a new section 270.22-a to read
38 as follows:

39 § 270.22-a Unlawful sale of body armor in the first degree.

40 A person is guilty of the unlawful sale of body armor in the first
41 degree when:

42 1. they sell, exchange, give or dispose of body armor, as such term is
43 defined in subdivision two of section 270.20 of this article, to an
44 individual whom they know or reasonably should have known is not engaged
45 or employed in an eligible profession, as such term is defined in
46 section 270.21 of this article; and

47 2. they have been convicted of the crime of unlawful sale of body
48 armor in the second degree within the previous ten years.

49 Unlawful sale of body armor in the first degree is a class E felony.

50 § 5. This act shall take effect immediately.