STATE OF NEW YORK

10378

IN ASSEMBLY

May 21, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Buttenschon) -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to allowing police officers to request, and reimbursing police departments for, ballistic armor vests classified as level III or higher

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

Section 1. The section heading and subdivisions 3, 6 and 6-a of section 837-d of the executive law, the section heading as added by chapter 84 of the laws of 1984, subdivision 3 as amended by chapter 503 of the laws of 1991, and subdivision 6 as amended and subdivision 6-a as added by chapter 555 of the laws of 1988, are amended and a new subdivision 6-b is added to read as follows:

Soft **and hard** body ballistic armor vests for police officers.

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**, and six-b** 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**, and six-b** of this section, the applicant may select from a range of vests including those [~~commonly known or~~] classified as [~~type~~] **level** I, [~~type~~] **level** II-A, [~~type~~] **level** II [~~or type~~]**, level** III-A [~~in such standard classification systems as the national institute of justice standards for ballistic resistance of police body armor~~]**, or level III or higher**.

6. The commissioner shall promulgate regulations prescribing standards and specifications for vests and procedures for vest selection by and

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

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reimbursement to applicants. In promulgating such regulations, the commissioner shall give due consideration to:

(a) the maximum total weight of a vest which provides adequate protection against ballistic penetration and trauma, and which may be worn in comfort throughout an eight hour tour of duty;

(b) the ballistic specifications which the vest or any part thereof must be capable of defeating which shall include, but not be limited to, the ballistic specifications of any firearms considered to be standard issue to eligible police officers;

(c) **the provisions of subdivision six-b of this section allowing police officers to choose a vest classified as level III or higher;**

(d) the testing procedures appropriate to determining the effectiveness of such vests;

[~~(d)~~] **(e)** the labeling requirements for the vests and component parts thereof; and

[~~(e)~~] **(f)** the commercial availability of conforming vests.

6-a. In the evaluation of an application for reimbursement, the commissioner shall, at the request of the applicant, give consideration to the ballistic specifications of any firearm or firearms considered by the applicant to be standard issue to its police officers**, and to any requests by such police officers for a vest classified as level III or higher**. **The commissioner shall not deny any application for reimbursement because a vest classified as level III or higher was requested by any police officer.**

6-b. Police departments shall give each police officer the option to choose a vest classified as level III or higher when purchasing vests for eligible police officers.

§ 2. Paragraphs (b) and (g) of subdivision 1 of section 837-d of the executive law, as added by chapter 84 of the laws of 1984, are amended and a new paragraph (h) is added to read as follows:

(b) "Vest" means a soft **or hard** body ballistic armor vest;

(g) "Applicant" means a state agency, municipal corporation, public authority, public benefit corporation, or the highest official thereof[~~.~~]**; and**

(h) "Level" means the classification of a vest as such level or type by such standard classification system as the national institute of justice standards for ballistic resistance of police body armor.

§ 3. This act shall take effect immediately.