# STATE OF NEW YORK

8476

2023-2024 Regular Sessions

# IN ASSEMBLY

December 29, 2023

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

AN ACT to amend the penal law, in relation to body armor and certain exemptions relating to a United States military ally

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

Section 1. Section 270.22 of the penal law, as amended by chapter 371 of the laws of 2022, is amended to read as follows:

§ 270.22 Unlawful sale of body armor.

A person is guilty of the unlawful sale of body armor when they sell, exchange, give or dispose of body armor, 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**, except where such individual is in an exempt class established in section 270.23 of this article, or where the seller has reason to believe such individual is in an exempt class**.

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

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

§ 270.21 Unlawful purchase of body armor.

A person is guilty of the unlawful purchase of body armor when, not being engaged or employed in an eligible profession, they knowingly purchase or take possession of body armor, as such term is defined in subdivision two of section 270.20 of this article. This section shall not apply **to individuals or entities in an exempt class as established in section 270.23 of this article, or** 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

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

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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 body armor is a class A misdemeanor for a first offense and a class E felony for any subsequent offense.

§ 3. The penal law is amended by adding a new section 270.23 to read as follows:

**§ 270.23 Exempt Class.**

**1. Any individual or entity engaged in assisting a United States military ally in an ongoing military conflict shall not be required to be engaged or employed in an eligible profession for the purposes of this article. "United States military ally" shall have the same meaning as 42 USC §1711(d). For the purposes of this section, "assisting" shall include, but not be limited to, providing funding, material and non-material support, and volunteering, whether done in a personal capacity or on behalf of an entity in an exempt class, regardless of whether such entity is based in the United States or abroad.**

**2. The secretary of state shall develop and provide an application process and documentation certifying an individual or an entity as part of an exempt class. Where necessary, the secretary of state shall collaborate with state and federal agencies and the appropriate authorities of a United States military ally to issue regulations to ensure proper verification of individuals and entities in an exempt class.**

§ 4. This act shall take effect immediately.