§ 837-d. Soft body ballistic armor vests for police officers. 1. As used in this section, the following terms have the following meanings:

(a) "Eligible police officer" means a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law whose regular duties are such as the commissioner determines may expose the officer to serious physical injury which may result in death or disability;

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

(c) "Municipal corporation" means a county, city, town, village or police district;

(d) "Public authority" means an independent autonomous public corporation created by special act of the legislature;

(e) "Public benefit corporation" means a corporation organized to construct or operate a public improvement wholly within the state;

(f) "State agency" means a department, board, bureau, commission, agency or other division of state government;

(g) "Applicant" means a state agency, municipal corporation, public authority, public benefit corporation, or the highest official thereof.

2. An applicant which is authorized to and employs police officers may apply to the commissioner for reimbursement of funds expended for the purchase of vests for eligible 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 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 of this section, the applicant may select from a range of vests including those commonly known or classified as type I, type II-A, type II or type III-A in such

standard classification systems as the national institute of justice standards for ballistic resistance of police body armor.

4. The commissioner shall require any applicant seeking reimbursement for vests to apply for any available federal funds. Any applicant failing to do so shall not be entitled to reimbursement under this section. The commissioner may waive such failure for good cause. The commissioner shall maintain a public record of all such waivers and the reasons therefor. Reimbursement may be withheld pending the determination of an application for federal funds.

4-a. An applicant for reimbursement pursuant to this section shall report the name of each eligible police officer for whom reimbursement is sought. The applicant shall report whether such eligible police officer or officers have, at any time during the ten years immediately preceding the application for reimbursement, been provided with any other vest for which reimbursement pursuant to this section was provided, the date of any such prior reimbursement and any other information that the commissioner may require for accurate record-keeping and accountability and for evaluation of performance, wear and officer use of vests.

5. The amount of any reimbursement authorized to be made pursuant to subdivision three of this section shall be reduced by the amount of any federal funds granted to the applicant for the purpose of purchasing vests, and by the amount of any other funds received directly or indirectly for that purpose by the applicant.

6. The commissioner shall promulgate regulations prescribing standards and specifications for vests and procedures for vest selection by and 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 testing procedures appropriate to determining the effectiveness of such vests;

(d) the labeling requirements for the vests and component parts thereof; and

(e) 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.

7. The contract specifications for bid for the sale of vests shall require that a certificate of insurance evidencing that liability insurance providing a minimum coverage of at least five hundred thousand dollars per occurrence for injury or death suffered as a result of a defect in the manufacture shall be and remain in effect for the projected life of any vest purchased.

8. Neither the state nor the applicant or any employee thereof shall be liable to a police officer or officer's heirs, executors, administrators or assigns, for the death of or injury to the officer resulting from any defect or deficiency in a vest for which reimbursement is made pursuant to this section.

9. A police officer who suffers an injury or death as a result of the officer's failure to wear a vest for which reimbursement is made pursuant to this section, and officer's heirs, executors, administrators or assigns shall not suffer any loss or be denied any benefit or right to which they are otherwise entitled; provided, however, that nothing contained herein shall prevent the officer from being subject to a disciplinary proceeding for failure to obey a lawful order of a superior officer requiring the officer to wear a vest.

10. Nothing contained in this section shall be construed to prohibit an applicant from expending its own funds for vests in amounts exceeding

the established state reimbursement limitations.

11. The commissioner is authorized to promulgate rules and regulations to provide for the orderly effectuation of the provisions of this section.

12. The commissioner shall establish and maintain a record containing the name of each eligible police officer who receives a vest for which reimbursement has been provided pursuant to this section, the applicant to whom reimbursement for such vest is provided, the date on which such reimbursement was provided and any other information that the commissioner may require for accurate record-keeping and accountability and for evaluation of performance, wear and officer use of vests.

13. Nothing in this section shall be deemed to supersede the provisions of section three of chapter eight hundred seventy-six of the laws of nineteen hundred eighty applicable to members of the division of state police or to alter a valid labor-management agreement covering employees of the state serving in police officer positions in the security services negotiating unit established pursuant to article fourteen of the civil service law which is in effect on the effective date of this section.