

Regular Session, 2013

HOUSE BILL NO. 90

BY REPRESENTATIVE MACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT: Authorizes DPS&C to sell bulletproof vests to other law enforcement agencies

1 AN ACT

2 To amend and reenact R.S. 40:2405.1, relative to the issuance of bulletproof vests to peace
3 officers; to authorize the Department of Public Safety and Corrections to make
4 available for purchase bulletproof vests which are no longer utilized by the
5 department; to provide that sales be conducted pursuant to regulations of the
6 Louisiana Property Assistance Association; to provide for the assessment of a fee;
7 to provide for a limitation of liability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2405.1 is hereby amended and reenacted to read as follows:

10 §2405.1. Special equipment; provided by Department of Public Safety and
11 Corrections ~~to provide~~

12 A. The Department of Public Safety and Corrections, from funds
13 appropriated for this purpose, shall provide upon request special protective
14 equipment, commonly known as a ~~bullet proof~~ bulletproof vest, for every "peace
15 officer" in the state of Louisiana. As used ~~herein~~ in this Section, "peace officer"
16 means any full-time employee of the state, a municipality, a sheriff, or other public
17 agency, whose principal permanent duties primarily involve the prevention or
18 detection of crime or the enforcement of penal and traffic laws and actually include
19 the making of arrests and the performing of searches and seizures.

1 B. To the extent that funds are not appropriated to the Department of Public
 2 Safety and Corrections for the purposes provided in Subsection A of this Section, the
 3 department may make available for purchase to law enforcement agencies for use by
 4 their peace officers bulletproof vests no longer utilized by the department for which
 5 the manufacturer warranty has expired. Any purchase shall be conducted pursuant
 6 to rules or regulations adopted by the Louisiana Property Assistance Agency. The
 7 Louisiana Property Assistance Agency shall not charge a fee in excess of five dollars
 8 per request received pursuant to the provisions of Subsection C of this Section. The
 9 state of Louisiana, its agencies and assigns, including but not limited to the
 10 Department of Public Safety and Corrections shall be immune from any liability
 11 relating to or resulting from the purchase, issuance, or failure of bulletproof vests
 12 transferred pursuant to the provisions of this Section.

13 B C. Prior to the purchase and distribution of the ~~bullet proof~~ bulletproof
 14 vests, the director of each law enforcement agency shall supply a sworn affidavit
 15 stating the number of vests on hand, the number of vests requested, and that it shall
 16 be the policy of the agency that all officers receiving vests shall be expected to wear
 17 them.

18 C D. The provisions of this Section shall not be construed ~~so as to provide~~
 19 that require a peace officer ~~be required to wear a bullet proof~~ bulletproof vest.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mack

HB No. 90

Abstract: Allows DPS&C to make bulletproof vests available to peace officers for purchase.

Present law requires DPS&C to provide bulletproof vests to every peace officer in the state of La. provided that funds are appropriated for this purpose.

Proposed law further provides that to the extent that funds are not appropriated for this purpose, DPS&C may make available for purchase to law enforcement agencies bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired.

Proposed law further provides that any purchase shall be conducted pursuant to rules or regulations adopted by the La. Property Assistance Agency, and provides that the La. Property Assistance Agency shall not charge any fee in excess of \$5 per request.

Proposed law provides that the state of La., its agencies and assigns, including but not limited to DPS&C shall be immune from any liability relating to or resulting from the purchase, issuance, or failure of bulletproof vests transferred pursuant to proposed law.

(Amends R.S. 40:2405.1)