

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.

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 a limitation of liability;
7 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.

20 B. To the extent that funds are not appropriated to the Department of Public
21 Safety and Corrections for the purposes provided in Subsection A of this Section, the
22 department may make available for purchase to law enforcement agencies for use by
23 their peace officers bulletproof vests no longer utilized by the department for which
24 the manufacturer warranty has expired. Any purchase shall be conducted pursuant

1 to rules or regulations adopted by the Louisiana Property Assistance Agency. The
 2 state of Louisiana, its agencies and assigns, including but not limited to the
 3 Department of Public Safety and Corrections shall be immune from any liability
 4 relating to or resulting from the purchase, issuance, or failure of bulletproof vests
 5 transferred pursuant to the provisions of this Section.

6 BC. Prior to the purchase and distribution of the ~~bullet proof~~ bulletproof
 7 vests, the director of each law enforcement agency shall supply a sworn affidavit
 8 stating the number of vests on hand, the number of vests requested, and that it shall
 9 be the policy of the agency that all officers receiving vests shall be expected to wear
 10 them.

11 ED. The provisions of this Section shall not be construed ~~so as to provide~~
 12 that require that a peace officer ~~be required to~~ wear a ~~bullet proof~~ bulletproof vest.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____