

2018 Regular Session

SENATE BILL NO. 473

BY SENATOR JOHNS

LAW ENFORCEMENT. Authorizes Louisiana Property Assistance Agency to make surplus bulletproof vests available for purchase to certain part-time and reserve peace officers under the same requirements as the vests are made available to certain full-time employees. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 40:2405.1(B), relative to the issuance of bulletproof vests to
3 peace officers; to make surplus bulletproof vests available for purchase to certain
4 part-time and reserve peace officers; to provide for conditions; to provide for notice;
5 to provide for definitions; to provide for liability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2405.1(B) is hereby amended and reenacted to read as follows:

8 §2405.1. Special equipment provided by Department of Public Safety and
9 Corrections

10 * * *

11 B.(1) To the extent that funds are not appropriated to the Department of
12 Public Safety and Corrections for the purposes provided in Subsection A of this
13 Section, the department may make available for purchase to law enforcement
14 agencies for use by their peace officers bulletproof vests no longer utilized by the
15 department for which the manufacturer warranty has expired. Any purchase shall be
16 conducted pursuant to rules or regulations adopted by the Louisiana Property
17 Assistance Agency. The state of Louisiana, its agencies and assigns, including but

1 not limited to the Department of Public Safety and Corrections shall be immune from
2 any liability relating to or resulting from the purchase, issuance, or failure of
3 bulletproof vests transferred pursuant to the provisions of this Section.

4 **(2)(a) Not later than ninety days prior to the destruction of any**
5 **bulletproof vest, the department shall give notice to law enforcement agencies**
6 **that bulletproof vests no longer utilized by the department for which the**
7 **manufacturer warranty has expired are available for purchase for use by their**
8 **part-time and reserve peace officers. Any purchase shall be conducted pursuant**
9 **to the rules and regulations adopted by the Louisiana Property Assistance**
10 **Agency. The state of Louisiana, its agencies and assigns, including but not**
11 **limited to the Department of Public Safety and Corrections shall be immune**
12 **from any liability relating to or resulting from the purchase, issuance, or failure**
13 **of bulletproof vests transferred pursuant to the provisions of this Section.**

14 **(b) As used in this Paragraph, "part-time and reserve peace officer"**
15 **means any part-time peace officer and any reserve peace officer employed by**
16 **the state, a municipality, a sheriff, or other public agency whose principal duties**
17 **primarily involve the prevention or detection of crime or the enforcement of**
18 **penal and traffic laws and actually include the making of arrests and the**
19 **performing of searches and seizures.**

20 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Ashley Menou.

DIGEST

SB 473 Original 2018 Regular Session Johns

Present law requires the Dept. of Public Safety and Corrections to provide bulletproof vests to every full-time peace officer provided that funds are appropriated for such purpose.

Present law further provides that to the extent that funds are not appropriated for this purpose, DPSC may make available for purchase to law enforcement agencies bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired for use by their full-time peace officers.

Present law provides that the state and its agencies and assigns shall be immune from liability relating to or resulting from the purchase, issuance or failure of bulletproof vests transferred pursuant to present law.

Proposed law retains present law.

Proposed law provides that no later than 90 days before the destruction of any bulletproof vest, the department must give notice to law enforcement agencies that bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired are available for purchase for use by part-time and reserve peace officers.

Present law requires the purchase of bulletproof vests by law enforcement agencies for full-time peace officers to be conducted pursuant to the rules and regulations adopted by the La. Property Assistance Agency.

Proposed law retains present law requirements for the purchase of bulletproof vests by law enforcement agencies for part-time and reserve peace officers.

Present law provides that prior to the purchase and distribution of bulletproof vests, the director of each law enforcement agency shall supply a sworn affidavit stating the number of vests on hand, the number of vests requested, and that it shall be the policy of the agency that all officers receiving vests shall be expected to wear them.

Proposed law retains present law.

Present law provides that nothing in present law is to be construed as requiring a peace officer to wear a bulletproof vest.

Proposed law retains present law.

Effective August 1, 2018.

(Amends R.S. 40:2405.1(B))