



# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1536

S.P. 598

In Senate, January 6, 2016

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### **An Act To Provide Ballistic Vests to State Law Enforcement Officers**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BURNS of Washington.  
Cosponsored by Speaker EVES of North Berwick and  
Senators: BAKER of Sagadahoc, CYRWAY of Kennebec, ROSEN of Hancock,  
WHITTEMORE of Somerset, Representatives: FOWLE of Vassalboro, HICKMAN of  
Winthrop, LUCHINI of Ellsworth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA c. 411** is enacted to read:

3 **CHAPTER 411**

4 **BALLISTIC VESTS**

5 **§3851. Provision of ballistic vests for law enforcement**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
7 following terms have the following meanings.

8 A. "Ballistic vest" means a form of personal armor worn on the torso that prevents or  
9 restricts penetration by a projectile discharged by a firearm as defined in Title 17-A,  
10 section 2, subsection 12-A.

11 B. "Law enforcement officer" means a person who by virtue of public employment is  
12 vested by law with the power to make arrests for crimes or serve criminal process,  
13 whether that power extends to all crimes or is limited to specific crimes, and who  
14 possesses a current and valid certificate issued by the Board of Trustees of the Maine  
15 Criminal Justice Academy pursuant to section 2803-A and includes, without  
16 limitation, an active:

17 (1) State police officer;

18 (2) Game warden or other law enforcement officer employed by the Department  
19 of Inland Fisheries and Wildlife or any bureau or division of the department;

20 (3) Employee of the Office of the State Fire Marshal who has law enforcement  
21 powers pursuant to section 2396, subsection 7;

22 (4) Judicial marshal;

23 (5) Law enforcement officer in the Department of Marine Resources, including a  
24 marine patrol officer appointed by the Commissioner of Marine Resources;

25 (6) Forest ranger employed by the Department of Agriculture, Conservation and  
26 Forestry, Bureau of Forestry or any bureau or division of the department;

27 (7) State humane agent employed by the Department of Agriculture,  
28 Conservation and Forestry;

29 (8) State criminal inspector or detective employed by the Office of the Attorney  
30 General pursuant to Title 5, sections 197 and 202, respectively;

31 (9) Person employed by the Department of Corrections as an investigative  
32 officer as defined in Title 34-A, section 1001, subsection 10-A;

33 (10) Juvenile community corrections officer as described in Title 34-A, section  
34 5602;

35 (11) Probation officer;

1 (12) Police officer appointed by the Commissioner of Public Safety pursuant to  
2 section 2908;

3 (13) Military security police officer appointed by the Adjutant General;

4 (14) Police officer in the Department of Public Safety, Bureau of Capitol Police;  
5 and

6 (15) Motor vehicle investigator appointed by the Secretary of State pursuant to  
7 Title 29-A, section 152.

8 "Law enforcement officer" does not include a federal law enforcement officer or  
9 federal attorney prosecuting for the State.

10 **2. Provision of ballistic vests for law enforcement officers.** A political subdivision  
11 of State Government employing a law enforcement officer shall provide the law  
12 enforcement officer with a well-fitting, contemporary ballistic vest.

13 **3. Provision of ballistic vests for dogs engaged in law enforcement.** If a political  
14 subdivision of State Government uses a dog for the purpose of aiding in law enforcement,  
15 that political subdivision shall provide the dog with a well-fitting, contemporary ballistic  
16 vest.

17 **4. Funding.** The State may accept public and private funds to implement the  
18 purposes of this chapter.

## 19 SUMMARY

20 This bill requires that all active law enforcement officers employed by the State,  
21 including game wardens, forest rangers, marine patrol officers and investigative officers  
22 and detectives in the Office of the Attorney General, the Department of the Secretary of  
23 State and the Department of Corrections, be equipped with well-fitting, contemporary  
24 ballistic vests. This bill also requires such vests to be provided for dogs used in law  
25 enforcement by the State. The cost of each vest must be paid by the political subdivision  
26 of the State employing the law enforcement officer or using the dog. The State is  
27 permitted to accept private or public funds to offset the cost of the vests.