

# Frequently Asked Questions

## **NEW LAWS REGARDING THE SALE, TRANSFER, PURCHASE AND ACQUISITION OF BODY ARMOR IN **NEW YORK STATE****

The following frequently asked questions (“FAQs”) should not be used in lieu of seeking appropriate legal advice and are not intended to answer general questions regarding the New York State Penal Law. These FAQs are subject to change and professionals should frequently visit this page for important updates.

### **Q1: What is the “body armor law”?**

A1: The “body armor law” is a series of laws enacted in 2022 designed to protect New Yorkers. The laws generally restrict how and to whom “body armor” can be bought, sold, or transferred within the state. The laws are codified in both the New York General Business Law and the New York Penal Law. The full text of the laws is available [here](#).

### **Q2: What is the Department of State’s role in the “body armor law”?**

A2: The Department of State’s role in New York State’s body armor law is limited to publishing a list of eligible professions requiring the use of body armor and processing eligible profession requests. The Department has also established a process and forms that purchasers may use when purchasing body armor, as applicable, to prove that they are engaged in an eligible profession. Questions that relate to enforcement of the Penal Law should be directed to the appropriate local district attorney’s office. Questions about the marketplace prohibition relating to body armor sales that is codified in § 396-eee of the General Business Law should be directed to the New York State Attorney General’s Office.

### **Q3: What is considered body armor?**

A3: Body armor means: “any product that is a personal protective body covering intended to protect against gunfire, regardless of whether such product is to be worn alone or is sold as a complement to another product or garment.” NY Penal Law § 270.20(2).

#### **Q4: Do I need a license to sell body armor?**

A4: No, a license is not required to sell body armor, but the laws restrict how body armor can be bought, sold, or transferred.

#### **Q5: Do I need a license to buy body armor?**

A5: No, a specific license is not required to purchase body armor, but to lawfully purchase body armor you must demonstrate to the seller that you are engaged or employed in an eligible profession. Eligible professions include police officers as defined in section 1.20 of the criminal procedure law, peace officers as defined in section 2.10 of the criminal procedure law, persons in military service in the state of New York or military or other service for the United States, and any profession determined by the New York State Department of State to be eligible and published on a list by the Department of State. Some of the eligible professions listed may require a license but a separate license to purchase body armor is not required. A full list of eligible professions is available [here](#).

#### **Q6: How can I submit a request to add my job to the list of eligible professions?**

A6: It depends. Professions can be added to the list upon request if the duties of the profession expose the person to serious physical injury that may be prevented or mitigated by the wearing of body armor. Please see A10, below, for an explanation of how to submit such a request.

#### **Q7: What does “serious physical injury” mean?**

A7: “Serious physical injury” means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. NY Penal Law § 10.00(10). “Physical injury” means impairment of physical condition or substantial pain. NY Penal Law § 10.00(9).

#### **Q8: My job is not on the list of eligible professions, but it does expose me (and others doing the same job) to serious physical injury; how can it be added to the list?**

A8: You can submit a request to the Department of State online to add your profession to the list of eligible professions by using the application accessible [here](#).

**Q9: How long will it take for the Department to review my request to add a profession to the list?**

A9: During the first 30 days the Department will provide notice to the public, on our website, that a new profession is being considered so that other members of that profession have the opportunity to provide additional information. After that first 30-day period, the Department will review the information received and make a determination. Generally, that review is expected to be completed within 90 days. If the application is incomplete or additional details are needed the Department may add more time to the review process.

**Q10: What professions are currently under consideration for addition to the list of eligible professions?**

A10: A current list is published on the Department's website and is available [here](#).

**Q11: After submitting a request, will the Department ask me for more information?**

A11: The Department may contact a requestor to seek clarification, specificity, or additional information in regard to the submitted request. Generally, those seeking to add professions to the list have the burden of providing sufficient information to demonstrate the merits of the request under the regulatory framework. If an application requires clarification, the Department may contact the applicant for additional information but generally those applying should provide as much detail as possible.

**Q12: I submitted a request but the profession was not added to the list; can it be reconsidered?**

A12: Generally, the Department will not reconsider the same request from the same person or entity relating to a particular profession, unless there are new facts and circumstances presented that can be considered.

**Q13: I submitted a request and my profession was added to the eligible professions list as filed and published on the Department's website; will I get something from the Department proving I am allowed to purchase body armor?**

A13: No. The Department does not provide proof that someone is allowed to purchase body armor. Under the law, sellers are required to confirm someone is employed or engaged in an eligible profession.

Individuals and entities intending to purchase body armor must present proof of engagement in an eligible profession when purchasing or taking possession of body armor. As provided in the Department of State's body armor regulations, proof of engagement in an eligible profession may be satisfied by submission, to the seller, of a professional license issued by a federal, state or local government, an employment card or other credential issued by an employer, or in the absence of the foregoing, a form approved by the Department of State that is notarized, verifying that the purchaser is engaged in an eligible profession (the form can be found [here](#)). It is strongly recommended that purchasers and sellers retain a copy of the completed form for their records post-purchase/sale.

**Q14: I sell body armor; how do I confirm someone is engaged or employed in an eligible profession?**

A14: Proof of engagement or employment in an eligible profession may be satisfied by submission to the seller of a professional license issued by a federal, state or local government; employment card or other credential issued by an employer. In the absence of such proof, body armor sellers are required to use specific forms, available on the Department's website, to confirm that body armor is purchased by someone engaged or employed in an eligible profession. Forms for individual or organizational purchasers are available [here](#). It is recommended that sellers retain a copy of the proof received from a buyer for their records.

**Q15: If I have a question about interpretation and enforcement of the Penal Law provisions in the body armor laws, who should I ask?**

A15: The Department of State's role in New York State's body armor laws is limited to publishing a list of eligible professions and processing eligible profession requests. Questions that relate to interpretation and enforcement of the Penal Law should be directed to the district attorney's office for the county where the subject police department is situated. Questions relating to keeping or wearing body armor (which includes bullet proof vests) acquired prior to the change in law on July 6, 2022, should be directed to your local police department or district attorney's office. Questions about the marketplace prohibition relating to body armor sales that is codified in § 396-eee of the General Business Law should be directed to the New York State Attorney General's Office.

**\* Please double check your state's most current regulations directly, some states do have specific requirements.**

### **Q16: HOW DO I KNOW THE GARMENT WILL FIT ME ?**

A16: For general information please visit the Sizing and Fitting Information pages on our site. Once you browse the collection and submit a pre-order form, we will contact you to go over sizing details.

### **Q17: HOW CAN I PURCHASE Doo Aquino's READY TO WEAR BODY ARMOR?**

A17: Simply browse through our online catalog select any garment that you wish to buy, and click " pre-order." You will be asked details including background check that we need to be able to satisfy the order. After, you fill out the form , " SUBMIT".

### **Q18: WHERE IS OUR BODY ARMOR MANUFACTURED ?**

A18: Our product line is manufactured and made in NEW YORK , USA

### **Q19: FLYING WITH READY TO WEAR BODY ARMOR ?**

A19: At the US Transportation Security Administration, Body Armor is NOT on the list of prohibited items. However: The prohibited and permitted items list is not intended to be all-inclusive and is updated as necessary. To ensure everyone's security the screener may determine that an item not on this chart is prohibited.

OR

B18: The best thing before checking in is detach the modular ballistic panel protection and place it in your carry on bag, and avoid hassles then put it back in and insert the panel after your clearance.

### **Q20: WHAT ARE THE NIJ STANDARDS FOR BODY ARMOR & Vest Rating?**

A20: The NIJ ballistic resistance standard classifies body armor by levels of ballistic performance. For any performance level, NIJ's test protocol requires that the bullet does not perforate the vest and that the vest protects against blunt trauma.

The threat levels for ballistic vests are set by the NIJ (National Institute of Justice). There are currently five levels in use - Level IIA, II, IIIA, III, and IV - and each covers a different caliber of bullet. There're also stab-proof/spike-proof vests, which we'll touch on briefly too.

## **Q21:NEED TO KNOW-What are the test standards for body armor?**

A21: Tested armor must withstand three hits, spaced 120 mm (4.7 inches) apart, of the designated test threat with no more than 25 mm (0.98 inches) of back-face deformation in order to pass. Of note is the inclusion of special regional threats such as Swiss P AP from RUAG and . 357 DAG.

There are always a trade off between more protection and wear-ability or concealability as the level of protection chosen is a personal choice. Better to get a higher protection level that you will wear consistently, that you can wear.

The best VEST for you is the one you are actually wearing when shot! and the biggest difference between LEVELS is the amount of BLUNT TRAUMA impact protection.

The NIJ National Institute of Justice (NIJ) uses a rating scale spanning handgun and rifle protection—with body armor ratings corresponding to different threat levels, reputable manufacturer conforms to their standards.

## **Q22: BULLETPROOF vs BULLET RESISTANT ?**

A22: They are all interchangeable but don't necessarily mean the same thing. For example, 'body armor' vest can refer to any form of bulletproof vest, but may also include additional protection in the form of helmets, leg or groin protection, or even the specific plates used to provide you with protection.

Being shot carries risks, trauma and severe bruising, serious, internal injury or even death could occur. Furthermore bullet resistant ballistic panels cannot protect what they cannot cover. The garment does not provide any ballistic protection without the ballistic panels.

By using Spectra, Kevlar, Dyneema , Twaron etc., or in combinations in conjunction with a thermoplastic film system, its possible to design and integrate lightweight ballistic panels into an article of clothing. These ballistic panels find extensive use in not only use by military and law enforcement agencies around the world, but by private citizens as well.

## **Q23: BUYING READY TO WEAR BODY ARMOR?**

A23:Buying Doo Aquino's Body Armor, you assume ALL risks of use or misuse and agree not to hold us liable in any way. In addition, YOU are responsible to ensure that your ballistic panels are position inside the carrier WITHIN, if applicable ( check the inside vest panel )

As an example Spectra material such as GOLD FLEX having each multiple series of individual layers consisting of four plies unidirectional, cross-plyed at 0°/90°/0°/90 and sandwich in thermoplastic film which is lighter in weight, provided an excellent comfort and flexibility for prolonged wear, less blunt trauma, reduces thickness and greatly increases ballistic stopping capability while affording NIJ -06 performance and can stop against higher energy bullets (i.e. 44 SJHP magnum with a1555 V50 (fps) and 357 JSP magnum with a 1645 (fts) or 9mm FMJ with a 1705 (fts) @ 0.76 (fps).

REF: Updated Body Armor Standard December 1, 2023

<https://nij.ojp.gov/topics/articles/updated-body-armor-standard-takes-aim-new-challenges>