MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1536

S.P. 598

In Senate, January 6, 2016

An Act To Provide Ballistic Vests to State Law Enforcement Officers

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.

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 7	1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
8 9 10	A. "Ballistic vest" means a form of personal armor worn on the torso that prevents or restricts penetration by a projectile discharged by a firearm as defined in Title 17-A section 2, subsection 12-A.
11 12 13 14 15 16	B. "Law enforcement officer" means a person who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process whether that power extends to all crimes or is limited to specific crimes, and who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to section 2803-A and includes, without limitation, an active:
17	(1) State police officer;
18 19	(2) Game warden or other law enforcement officer employed by the Department of Inland Fisheries and Wildlife or any bureau or division of the department;
20 21	(3) Employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7;
22	(4) Judicial marshal;
23 24	(5) Law enforcement officer in the Department of Marine Resources, including a marine patrol officer appointed by the Commissioner of Marine Resources;
25 26	(6) Forest ranger employed by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry or any bureau or division of the department;
27 28	(7) State humane agent employed by the Department of Agriculture Conservation and Forestry;
29 30	(8) State criminal inspector or detective employed by the Office of the Attorney General pursuant to Title 5, sections 197 and 202, respectively;
31 32	(9) Person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A;
33 34	(10) Juvenile community corrections officer as described in Title 34-A, section 5602;
35	(11) Probation officer;

1 2	(12) Police officer appointed by the Commissioner of Public Safety pursuant to section 2908;
3	(13) Military security police officer appointed by the Adjutant General;
4 5	(14) Police officer in the Department of Public Safety, Bureau of Capitol Police; and
6 7	(15) Motor vehicle investigator appointed by the Secretary of State pursuant to Title 29-A, section 152.
8 9	"Law enforcement officer" does not include a federal law enforcement officer or federal attorney prosecuting for the State.
10 11 12	2. Provision of ballistic vests for law enforcement officers. A political subdivision of State Government employing a law enforcement officer shall provide the law enforcement officer with a well-fitting, contemporary ballistic vest.
13 14 15 16	3. Provision of ballistic vests for dogs engaged in law enforcement. If a political subdivision of State Government uses a dog for the purpose of aiding in law enforcement, that political subdivision shall provide the dog with a well-fitting, contemporary ballistic vest.
17 18	4. Funding. The State may accept public and private funds to implement the purposes of this chapter.
19	SUMMARY
20 21 22 23 24	This bill requires that all active law enforcement officers employed by the State, including game wardens, forest rangers, marine patrol officers and investigative officers and detectives in the Office of the Attorney General, the Department of the Secretary of State and the Department of Corrections, be equipped with well-fitting, contemporary ballistic vests. This bill also requires such vests to be provided for dogs used in law
25 26 27	enforcement by the State. The cost of each vest must be paid by the political subdivision of the State employing the law enforcement officer or using the dog. The State is permitted to accept private or public funds to offset the cost of the vests.