

1 HB220
2 126056-1
3 By Representatives Wood, Hurst, Laird, Greer, Bridges and
4 Boothe
5 RFD: Public Safety and Homeland Security
6 First Read: 10-MAR-11

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8 SYNOPSIS: Under existing law, any manufacturer,
9 distributor, or retailer may offer for sale to the
10 general public a bullet-proof police vest.

11 This bill would prohibit the sale of
12 bullet-proof police vests except to an authorized
13 representative of a federal, state, or local law
14 enforcement agency.

15 This bill would provide an exception for
16 sales by a manufacturer or distributor to a
17 retailer. This bill would also provide an exception
18 where the purchaser of the bullet-proof police vest
19 is a security officer who has a letter authorizing
20 the purchase from the sheriff of the county or the
21 chief of police of the municipality where the sale
22 takes place. This bill would provide penalties for
23 violations.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose. The purpose or effect
10 of this bill would be to require a new or increased
11 expenditure of local funds within the meaning of
12 the amendment. However, the bill does not require
13 approval of a local governmental entity or
14 enactment by a 2/3 vote to become effective because
15 it comes within one of the specified exceptions
16 contained in the amendment.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To prohibit certain sales of bullet-proof police
23 vests; to provide exceptions; and to provide penalties.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) Except as provided in subsection (c),
26 no manufacturer, distributor, or retailer of bullet-proof
27 vests shall offer such vests for sale to anyone except an

1 employee of a federal, state, or local law enforcement agency
2 who has been authorized by that law enforcement agency to
3 purchase a bullet-proof vest.

4 (b) Any person who sells a bullet-proof vest without
5 the authorization required by subsection (a) shall be guilty
6 of a Class A misdemeanor.

7 (c) (1) Nothing in this act shall prohibit the sale
8 of bullet-proof police vests by a manufacturer or distributor
9 to a retailer who is engaged in the business of offering the
10 vests for sale to a law enforcement agency.

11 (2) A manufacturer, distributor, or retailer may
12 sell a bullet-proof police vest to a security officer provided
13 the security officer produces a letter authorizing the
14 purchase from the sheriff of the county or the chief of police
15 of the municipality where the sale is to be made.

16 Section 2. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official ReCompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

24 Section 3. All laws or parts of laws which conflict
25 with this act are repealed.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.