

THE SENATE  
STATE OF NEW YORK



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June 10, 2022

Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

Robert J. Rodriguez, Secretary of State  
Department of State  
One Commerce Plaza  
99 Washington Ave  
Albany, NY 12231

Re: Body Vest Eligible Professions

Dear Governor Hochul and Acting Secretary of State Rodriguez:

Earlier this week, you signed legislation to prohibit the unlawful sale and possession of body vests (Chapter 210 of the Laws of 2022). As lawmakers and public officials, it is imperative that we work to ensure public safety, and carefully consider legislation and policies to further that effort. In that vein, I have heard from first responders and others regarding the provision in this new law to establish eligible professions that can continue utilizing body vests to ensure their safety in potentially dangerous situations. Respectfully, I ask that you swiftly ensure first responders, including firefighters and emergency medical services (EMS) professionals are included in the list of eligible professions, and further that you promulgate the list before the law goes into effect to allow appropriate public review.

As you know, police officers, peace officers and those in military service were expressly exempted from the provisions of this ban given the nature of their line of work, and the Secretary of State, in consultation with the Division of Criminal and Justice Services, the Division of Homeland Security and Emergency Services, the Department of Corrections and Community Supervision, the Division of the State Police and the Office of General Services were directed to establish criteria for eligible professions that require the use of a body vest. Although there is a requirement that there be a process for individuals or entities to request that they be added to the list of eligible professions, it is imperative that those who work in fire and other emergency services response in particular are included in this list as soon as the law goes into effect on July 6, 2022.

First responders do not get to choose when or where they work, and too often some of the emergencies they respond to require them to enter dangerous situations, with little time to prepare and fully assess the potential dangers around them. The need to have firefighters and EMS on scene to rapidly provide medical and other emergency services to victims in active shooter, or similarly dangerous, situations is clear. Omitting these professions from the list of eligible professionals—even if only for a brief period—would not only jeopardize their own safety, but also adversely impact the ability of first responders to safely carry out their duties to serve and save those in need of emergency assistance.

As such, I respectfully ask that you provide assurances to those working in these professions that they will be included in the list of eligible professions from the onset of the effective date of this law. Further, I ask that you commit to promulgating the list of eligible professions as soon as possible and prior to the effective date so that the public may review the list before the law takes effect to ensure it is comprehensive in its inclusion of all those professions that utilize this tool to protect themselves and others in their line of work.

I appreciate your time and attention to this urgent matter.

Sincerely,

A handwritten signature in cursive script that reads "Sue Serino".

Senator Sue Serino  
41<sup>st</sup> District

Cc:

Rossana Rosado, Commissioner, Division of Criminal Justice Services

Jackie Bray, Commissioner, Division of Homeland Security and Emergency Services

Kevin P. Bruen, Superintendent, New York State Police

Anthony J. Annucci, Acting Commissioner, Department of Corrections and Community Supervision

Jeanette M. Moy, Commissioner, Office of General Services