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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2867

01/31/2022

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; expanding eligibility for soft body armor reimbursement
1.3 grants; amending Minnesota Statutes 2020, section 299A.38.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 299A.38, is amended to read:

1.6 **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

1.7 Subdivision 1. **Definitions.** As used in this section:

1.8 (a) "Commissioner" means the commissioner of public safety.

1.9 (b) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving
1.10 a general population within the boundaries of the state.

1.11 ~~(b)~~(c) "Peace officer" means a person who is licensed under section 626.84, subdivision
1.12 1, paragraph (c).

1.13 (d) "Public safety officer" means a peace officer, firefighter, or qualified emergency
1.14 medical service provider.

1.15 (e) "Qualified emergency medical service provider" means a person certified under
1.16 section 144E.101 who is actively employed by a Minnesota licensed ambulance service.

1.17 ~~(e)~~(f) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and
1.18 custom fitted to the ~~peace~~ public safety officer to provide ballistic and trauma protection.

1.19 Subd. 2. **State and local reimbursement.** ~~Peace~~ Public safety officers and heads of
1.20 ~~local law enforcement agencies and entities~~ who buy vests for the use of ~~peace~~ public safety
1.21 officer employees may apply to the commissioner for reimbursement of funds spent to buy

2.1 vests. On approving an application for reimbursement, the commissioner shall pay the
 2.2 applicant an amount equal to the lesser of one-half of the vest's purchase price or \$600, as
 2.3 adjusted according to subdivision 2a. The ~~political subdivision~~ agency or entity that employs
 2.4 the ~~peace~~ public safety officer shall pay at least the lesser of one-half of the vest's purchase
 2.5 price or \$600, as adjusted according to subdivision 2a. The ~~political subdivision~~ employer
 2.6 may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar
 2.7 allowance otherwise provided to the ~~peace~~ public safety officer by the ~~law enforcement~~
 2.8 agency employer.

2.9 Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 2006, the
 2.10 commissioner of public safety shall adjust the \$600 reimbursement amounts specified in
 2.11 subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the
 2.12 reimbursement amount applicable immediately preceding that October 1 date. The adjusted
 2.13 rate must reflect the annual percentage change in the Consumer Price Index for all urban
 2.14 consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year
 2.15 period ending on the preceding June 1.

2.16 Subd. 3. **Eligibility requirements.** (a) Only vests that either meet or exceed the
 2.17 requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed
 2.18 the requirements of that standard, except wet armor conditioning, are eligible for
 2.19 reimbursement.

2.20 (b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by
 2.21 or for ~~peace~~ public safety officers (1) who did not own a vest meeting the requirements of
 2.22 paragraph (a) before the purchase, or (2) who owned a vest that was at least five years old.

2.23 (c) The requirement set forth in paragraph (b), clauses (1) and (2), shall not apply to any
 2.24 ~~peace~~ public safety officer who purchases a vest constructed from a zylon-based material,
 2.25 provided that the ~~peace~~ public safety officer provides proof of purchase or possession of
 2.26 the vest prior to July 1, 2005.

2.27 Subd. 4. **Rules.** The commissioner may adopt rules under chapter 14 to administer this
 2.28 section.

2.29 Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, ~~or~~
 2.30 state or local government employee, or other entity that provides reimbursement for purchase
 2.31 of a vest under this section is not liable to a ~~peace~~ public safety officer or the ~~peace~~ public
 2.32 safety officer's heirs for negligence in the death of or injury to the ~~peace~~ public safety officer
 2.33 because the vest was defective or deficient.

3.1 Subd. 6. **Right to benefits unaffected.** A ~~peace~~ public safety officer who is reimbursed
3.2 for the purchase of a vest under this section and who suffers injury or death because the
3.3 officer failed to wear the vest, or because the officer wore a vest that was defective or
3.4 deficient, may not lose or be denied a benefit or right, including a benefit under section
3.5 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

3.6 Sec. 2. **REVISOR INSTRUCTION.**

3.7 The revisor of statutes shall make necessary changes to statutory cross-references to
3.8 reflect the changes made in section 1, subdivision 1.