

UNLAWFUL PURCHASE OF BODY ARMOR
Penal Law § 270.21
(Committed on or after July 7, 2022)

The (specify) count is Unlawful Purchase of Body Armor.

Under our law, a person is guilty of Unlawful Purchase of Body Armor when, not being engaged or employed in an eligible profession, they knowingly purchase or take possession of body armor.

The following terms used in that definition have a special meaning:

ELIGIBLE PROFESSION¹ includes individuals or entities engaged or employed as police officers², peace officers³, persons in military service in the State of New York, or military or other service for the United States,⁴

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.⁵

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.⁶

¹ Penal Law § 270.21.

² “as defined in” CPL 1.20.

³ “as defined in” CPL 2.10.

⁴ Here, in accord with Penal Law § 270.21, as appropriate, add any other applicable profession(s) designated by the Department of State in accordance with Executive Law § 144-a.

⁵ Penal Law § 270.20(2).

⁶ Penal Law § 10.00(8). If necessary, an expanded definition of “possession” is available in the section on Instructions of General Applicability under Possession.

A person KNOWINGLY purchases or takes possession of body armor when that person is aware that he or she is doing so.⁷

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date), in the County of (County), the defendant, (defendant's name)⁸ purchased or took possession of body armor;
2. That the defendant did so knowingly; and
3. That the defendant was not engaged or employed in an eligible profession.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

⁷ See Penal Law § 15.05(2). If necessary, an expanded definition of “knowingly” is available in the section on Instructions of General Applicability under Culpable Mental States.

⁸ When the defendant is charged in whole or in part as an accomplice, Court will add: “personally, or by acting in concert with another person.” See Accomplice charge.