

UNLAWFUL SALE OF BODY ARMOR
Penal Law § 270.22
(Committed on or after July 7, 2022)

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

Under our law, a person is guilty of Unlawful Sale of Body Armor when they sell, exchange, give or dispose of body armor to an individual whom they know or reasonably should have known is not engaged or employed in an eligible profession.

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

[DISPOSE OF means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.¹]

ELIGIBLE PROFESSION² includes individuals or entities engaged or employed as police officers³, peace officers⁴, persons in military service in the state of New York, or military or other service for the United States. ⁵

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.⁶

¹ Penal Law § 265.00(6).

² Penal Law § 270.21.

³ “as defined in” CPL 1.20.

⁴ “as defined in” CPL 2.10.

⁵ 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.

⁶ Penal Law § 270.20(2).

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 two elements:

1. That on or about (date), in the County of (County), the defendant, (defendant's name)⁷ sold, exchanged, gave, or dispose of body armor to an individual who was not engaged or employed in an eligible profession; and
2. That the defendant knew or reasonably should have known that the individual was not engaged or employed in an eligible profession.

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

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

⁷ 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.