

**CHAPTER 80A**

**BODY ARMOR REPLACEMENT FUND PROGRAM**

**Authority**

N.J.S.A. 52:17B-4.4 and 101.

**Source and Effective Date**

R.2009 d.124, effective March 19, 2009.  
See: 41 N.J.R. 96(a), 41 N.J.R. 1877(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 80A, Body Armor Replacement Fund Program, expires on March 19, 2016. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 80A, Body Armor Replacement Fund Program, was adopted as R.1998 d.287, effective June 1, 1998. See: 30 N.J.R. 1200(a), 30 N.J.R. 2051(a). Chapter 80A, Body Armor Replacement Fund Program, expired on November 28, 2003.

Chapter 80A, Body Armor Replacement Fund Program, was adopted as new rules by R.2004 d.16, effective January 5, 2004. See: 35 N.J.R. 2836(b), 36 N.J.R. 198(a).

Chapter 80A, Body Armor Replacement Fund Program, was re-adopted as R.2009 d.124, effective March 19, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. PURPOSE, SCOPE, DEFINITIONS**

**13:80A-1.1 Purpose**

This chapter describes the process to award grants from the Body Armor Replacement Fund program, enacted pursuant to

the Body Armor Replacement Fund Act. It establishes guidelines for the receipt of program funds and procedures to ensure grantee accountability. The program is established in order to make grants to local law enforcement agencies, the Division of State Police, the Department of Corrections, the Division of Criminal Justice, the Juvenile Justice Commission, the State Parole Board and the Administrative Office of the Courts for the purchase of body armor for troopers, investigators, law enforcement officers, corrections officers, juvenile corrections officers, parole officers and probation officers.

Amended by R.2009 d.124, effective April 20, 2009.  
See: 41 N.J.R. 96(a), 41 N.J.R. 1877(a).  
Rewrote the section.

**13:80A-1.2 Scope**

The rules contained in this chapter shall govern the award of initial and successive grants for body armor from the Body Armor Replacement Fund.

**13:80A-1.3 Legal authority**

The Attorney General has delegated to the Director of the Division of Criminal Justice, Department of Law and Public Safety, the responsibility to administer this program and to establish the rules deemed necessary to effectuate the purposes of the Fund, as established under P.L. 1997, c.177 (N.J.S.A. 52:17B-4.4).

**13:80A-1.4 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Body Armor Replacement Fund Act, P.L. 1997, c.177 (N.J.S.A. 52:17B-4.4).

“Annual replacement allotment” means the number of vests required to equip one-fifth of an applicant agency’s total number of local law enforcement officers, State Department of Corrections’ officers, the Division of State Police’s officers or troopers, the Division of Criminal Justice’s investigators, the Juvenile Justice Commission’s juvenile corrections officers, the State Parole Board’s parole officers, and the Administrative Office of the Courts’ probation officers as defined within this chapter, with body armor. The number of eligible probation officers shall not exceed 200 for the annual replacement of body armor.

“Applicant” means any local law enforcement agency, the Division of State Police, the State Department of Corrections, the Juvenile Justice Commission, the State Parole Board, the Division of Criminal Justice or the Administrative Office of the Courts that makes application for a Body Armor Replacement Fund grant.

“Applicant agency head” means the person who is the chief executive officer of the law enforcement or correctional organization applying for a grant under this program.

“Body armor” means a body vest designed to be worn on the body for protection against blunt force trauma associated either with the impact of a firearm projectile or from a knife or other pointed instrument, and which meets or exceeds either of the following applicable standards: “Ballistic resistant body armor” means a vest or similar article, which is manufactured of bullet resistant fabric that conforms to National Institute of Justice (NIJ) Standard-01.106 (as amended and supplemented), in effect at the time of purchase. “Stab resistant body armor” means a vest or similar article, which is manufactured of material that conforms to NIJ Standard-0115.00, Stab Resistance of Personal Body Armor (as amended or supplemented), in effect at the time of purchase.

“Chief financial officer” means, except in the case of a municipality, the director of revenue and finance, comptroller, treasurer, collector or other financial officer of a local unit of government or of the State agency applying for the grant. In the case of a municipality, the chief financial officer means the person appointed pursuant to section 5 of P.L. 1988, c.100 (N.J.S.A. 40A:9-140.10).

“Director” means the Director of the Division of Criminal Justice.

“Eligible applicant” means an applicant that timely files a completed application with the Division of Criminal Justice, requests body armor for its eligible officers and certifies that it will utilize grant funds to purchase body armor for its eligible officers.

“Eligible officer” means a local law enforcement officer, the Division of State Police’s trooper or officer, the State Department of Corrections’ officer, the Division of Criminal Justice’s investigator, the Juvenile Justice Commission’s juvenile corrections officer, the State Parole Board’s parole officer, or the Administrative Office of the Courts’ probation officer.

“Fund” means the Body Armor Replacement Fund.

“Governing body” means the governing body of a county or the commission, council, board or body having control of the finances of a municipality or any other local unit of government.

“Investigator” means a duly appointed State investigator of the Division of Criminal Justice.

“Juvenile Justice Commission officer” means a duly appointed juvenile corrections officer of the Juvenile Justice Commission.

“Local law enforcement agency” means any police force or organization in a municipality or county which has, by statute or ordinance, the responsibility of detecting crime and en-

forcing the general criminal laws of this State. For purposes of this chapter, it also includes any municipal or county jail, detention center or correctional facility.

“Local law enforcement officer” means any full-time, sworn, permanently appointed county or municipal officer who has the full power to arrest and who regularly exercises police powers regarding the enforcement of the general criminal laws of this State. For purposes of this chapter, in accordance with the provisions of the Act, it also includes a full-time, sworn, permanently appointed officer of any county or local jail, detention center or correctional facility. The term “local law enforcement officer” includes, but is not necessarily limited to:

1. Municipal police officer;
2. Sheriffs’ officer;
3. County court attendant;
4. County corrections officer;
5. County police officer;
6. County park police officer;
7. County prosecutors’ investigator;
8. County prosecutors’ detective; and
9. Local housing police officer, guard or patrolman.

“Local unit” means a county or municipality.

“Mandatory wear policy” is an applicant agency’s written policy to wear body armor for uniformed officers while engaged in patrol or field operations. The terms and exemptions of this mandatory wear policy will be determined by each applicant agency head in the reasonable exercise of his or her discretion.

“Parole officer” means a duly appointed parole officer of the State Parole Board.

“Probation officer” means a duly appointed probation officer of the Administrative Office of the Courts whose daily duties expose the officer to a substantial risk of assault by a deadly weapon.

“Program” means the Body Armor Replacement Fund Program.

“State Department of Corrections officer” means corrections officers and corrections investigators of the State Department of Corrections.

“State Police officer or trooper” means sworn members of the Division of State Police.

Amended by R.2009 d.124, effective April 20, 2009.  
See: 41 N.J.R. 96(a), 41 N.J.R. 1877(a).

Rewrote definitions “Annual replacement allotment”, “Applicant”, “Body armor”, “Eligible officer” and “State Department of Corrections officer”; added definitions “Investigator”, “Juvenile Justice Commission