

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW DIVISION 1. ATTORNEY GENERAL CHAPTER 11. POLICE BODY ARMOR

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

In the 1970's, the National Institute of Law Enforcement and Criminal Justice (NILECJ), the research, development, and evaluation agency of the United States Department of Justice, published the first performance standard for ballistic-resistant police body armor, establishing the first minimum performance requirements and test methods for the ballistic resistance of body armor designed to protect the torso. The standards were published in the 1978 publication, *The Ballistic Resistance of Body Armor, NILECJ-STD-0101.01* (hereinafter referred to as "1978 NILECJ Report).

Around the same time, California undertook a similar effort and the Department of Justice (Department) adopted regulations, which mostly duplicated the federal standards and testing methodology established by the NILECJ in 1978 for the state's own police body armor standard. However, the federal standards have significantly evolved since then and the 1978 publication has been superseded on numerous occasions. NILECJ, now known as the National Institute of Justice (NIJ), published their most recent body armor standard in 2008, *Ballistic Resistance of Body Armor, NIJ Standard-0101.06*. However, California's police body armor regulations remain unchanged since their adoption in 1978.

Although the Department has statutory authority to operate a testing program for police body armor, it does not currently operate a funded program for this purpose and has not done so for several decades. In contrast, the federal NIJ operates a robust, longstanding program that continuously establishes and updates voluntary minimum performance standards for body armor, conducts testing against these standards to ensure that body armor complies with the standards, and sponsors research to improve body armor. (Mark Greene, "Body Armor: Protecting Our Nation's Officers From Ballistic Threats," NIJ Journal 280, January 2019.) NIJ is currently working on a revision to its standard to be published as *Ballistic Resistance of Body Armor, NIJ Standard-0101.07*.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

Firearms are one of the most dangerous threats faced by law enforcement officers. Ballistic-resistant soft body armor has saved the lives of many police officers. Body armor is critical safety equipment that law enforcement and corrections officers need for personal protection. As reflected in *Department of General Services, Bid Specification 8470-2208, Ballistic Body Armor Level IIIA*, the State of California follows, at a minimum, the most current federal standards when procuring police body armor, which protects the safety and welfare of California's police officers and residents by ensuring state law enforcement agencies have the

most up-to-date information to make decisions regarding body armor. The repeal of the outdated regulations will remove the inconsistency between the Department's regulation and the State's current procurement practices.

SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION

§ 941. Scope.

This section establishes the scope of the state's police body armor regulations, sets forth the minimum standards, testing methods, and certification funding for body armor, and specifies which state agencies will comprise the State Armor Committee. The repeal of this section is necessary, as the Office of Administrative Law (OAL) has advised it is unnecessary to establish the scope of a regulation.

In addition, the testing methods referenced in this section are outdated and the Department no longer has a funded testing program and has not had a testing program for several decades. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ and has determined that it is not necessary at this time to duplicate the testing efforts of the NIJ.

Finally, the State Armor Committee is non-operational. Under the State Contracting Manual, volume 2, section 1606.2, all body armor purchases for state law enforcement agencies must be made through a statewide contract prepared and negotiated by the Department of General Services (DGS). In accordance with Penal Code section 31310 et seq., DGS consults with the Department, the California Highway Patrol and other state law enforcement agencies when establishing procurement specifications for the statewide contract, which rely on the minimum standards established by the NIJ. (See, e.g., DGS Bid Specification 8470-2208, Ballistic Body Armor Level IIIA, dated April 13, 2018, applying NIJ standard 0101.06.)

§ 942. Definitions.

This section defines 12 key terms that are used in the current regulations. Eight of the subdivisions should be repealed as their definitions are based on the 1978 NILECJ Report. The 1978 NILECJ Report has been superseded by more recent NIJ publications.

Subdivision (a) defines the term "angle of incidence." The repeal of this subdivision is necessary as the definition and Figure 1 are based on Section 3.1 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) defines the term "approved laboratory." The repeal of this subdivision is necessary as the Department does not have a funded testing program. Like other state enforcement agencies, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard

developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (c) defines the term “backing material.” The repeal of this subdivision is necessary as the definition and Figure 1 are based on Section 3.2 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) defines the term “ballistic panels.” The repeal of this subdivision is necessary as the definition and Figure 2 are based on Section 5 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (e) defines the term “body armor.” The repeal of this subdivision is necessary because body armor is the subject matter of the regulations and the regulations are being repealed.

Subdivision (f) defines the term “carrier.” The repeal of this subdivision is necessary as the definition and Figure 2 are based on Section 5 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (g) defines the term “chronograph.” The repeal of this subdivision is necessary as the definition and Figure 2 are based on Section 5 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (h) defines the term “deformation.” The repeal of this subdivision is necessary as the definition and Figure 1 are based on Section 3.3 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (i) defines the term “fair hit.” The repeal of this subdivision is necessary as the definition and Figure 1 are based on Section 3.4 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (j) defines the term “penetration.” The repeal of this subdivision is necessary as the definition and Figure 1 are based on Section 3.8 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (k) defines the term “strike face.” The repeal of this subdivision is necessary as the definition and Figure 1 are based on Section 3.9 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

§ 943. Abbreviations.

This section defines multiple abbreviations that are used in the regulations. The repeal of this section is necessary as the abbreviations are based on Section 2 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

§ 944. Type of Armor Certified.

This section provides details regarding how police body armor is classified into four types, as determined by resistance to gunfire per Table 1 in the 1978 NILECJ Report. The type of body armor is subsequently submitted for certification by the Department to the State Armor Committee. The repeal of this section is necessary as the classifications and Table 1 are based on Section 2 of the 1978 NILECJ Report. This publication has been superseded by more recent NIJ publications.

Subdivision (a) details the requirements of the State for acquisition and purchase of police body armor through DGS and the State Armor Committee. The repeal of this subdivision is necessary for two reasons: (1) The State Armor Committee is non-operational; and (2) Under the State Contracting Manual, volume 2, section 1606.2, all body armor purchases for state law enforcement agencies must be made through a statewide contract prepared and negotiated by DGS. In accordance with Penal Code section 31310 et seq., DGS consults with the Department, the California Highway Patrol and other state law enforcement agencies when establishing procurement specifications for the statewide contract, which rely on the minimum standards established by the NIJ. (See, e.g., DGS Bid Specification 8470-2208, Ballistic Body Armor Level IIIA, dated April 13, 2018, applying NIJ standard 0101.06.)

Subdivision (b) details the requirement that a manufacturer of police body armor have an established quality control program acceptable to DGS as specified in Section 954. The repeal of this section is necessary because the quality control program's criteria came from Inspection System Requirements, military specification number MIL-I-45208A (December 16, 1963). This publication has been repealed and, therefore, the criteria for quality control programs are outdated and no longer valid. (Notice of Cancellation, October 1, 1996: Military specifications number MIL-I-45208A, Inspection System Requirements, December 16, 1963 (canceled without replacement).)

§ 945. Test Sequence.

This section describes the requirements for body armor to be certified by the Department. The body armor must meet seven requirements, as detailed in subdivisions (a) through (g). The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) details the first requirement, configuration. The repeal of this subdivision is necessary as this requirement is based on Section 2.3 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) details the second requirement, protective carrier. The repeal of this subdivision is necessary as this requirement is based on Section 4 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) details the third requirement, workmanship. The repeal of this subdivision is necessary as this requirement is based on Section 4.3 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) details the fourth requirement, labeling. The repeal of this subdivision is necessary as this requirement is based on Section 4.4 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 946. Testing Equipment and Supplies.

This section lists the equipment and supplies that the Department shall use in ballistic testing of body armor approved by the Department. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) details the type of firearm to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement and Table 2 are based on Section 4.5 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) details the type of ammunition to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement and Table 2 are based on Section 4.5 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) details the type of optional ammunition to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement and Table 2 are based on Section 4.5 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) details the type of chronograph to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.6 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (e) details the type of backing material to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 3.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (f) details the type of steel testing cylinders to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.6 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (g) details the type of sheets of cardboard to be used in ballistic testing of body armor by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 947. Preparation for Tests.

This section details the preliminary procedures the Department must undertake prior to ballistic testing of bulletproof vests. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) describes how clay backing should be conditioned before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.7 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) details how long electronic equipment shall be allowed to warm up for before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) describes the requisite atmospheric conditions necessary before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 948. Test Procedure.

This section details the requisite positioning of test equipment before ballistic testing is undertaken by the Department. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) details how a test weapon should be positioned before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) details where chronograph sheets should be positioned before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) details where a cardboard sheet should be positioned before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) details where backing material should be positioned before ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 949. Pretest.

This section details the pretest procedure the Department must undertake before the official ballistic armor tests begin. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

§ 951. Dry Armor Ballistic Tests.

This section describes the tests the Department is required to administer for ballistic dry armor. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) details the requisite preparation before ballistic testing for dry armor is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) details where a test round should be fired on the dry armor when ballistic testing is undertaken by the Department. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) details the recording procedure when timing a recorded hit during a dry armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) details the procedure for examining penetration of a recorded hit during a dry armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (e) details the procedure for examining deformation of a recorded hit during a dry armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (f) details the procedure of repetition and recording during a dry armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.2 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 952. Wet Armor Ballistic Tests.

This section describes the test the Department is required to administer for ballistic wet armor. Wet armor testing can only occur after no ballistic penetration occurs on the dry armor. The

repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) details the dry mass weight the ballistic unit must have during a wet armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.8 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) details the conditioning of wet armor during a wet armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.8 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) details the wet mass weight the ballistic unit must have during a wet armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.8 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) details the testing procedure during a wet armor ballistic test. The repeal of this subdivision is necessary as this requirement is based on Section 5.1.8 of the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 953. Performance Requirements for Ballistic Tests.

This section describes the performance requirements for body armor to be certified by the Department. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

Subdivision (a) specifies that body armor, when tested dry, can show no sign of penetration after the number of fair hits is reached. The repeal of this subdivision is necessary as the minimum performance requirements are based on the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (b) specifies that body armor, when tested wet, can show no sign of penetration after the number of fair hits is reached. The repeal of this subdivision is necessary as the minimum performance requirements are based on the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (c) details the number of hits the front or back ballistic panels can take in a ballistic test. The repeal of this subdivision is necessary as the minimum performance requirements are based on the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

Subdivision (d) describes possible ballistic deformation in ballistic tests. The repeal of this subdivision is necessary as the minimum performance requirements are based on the 1978 NILECJ report. This publication has been superseded by more recent NIJ publications.

§ 954. Quality Control Program Requirements.

This section details the formal quality control program Department-certified body armor manufacturers must establish prior to procurement of the body armor by the State. The repeal of this section is necessary because the quality control program's criteria came from *Inspection System Requirements*, military specification number MIL-I-45208A (December 16, 1963). This publication has been repealed and, therefore, the criteria for quality control programs are outdated and no longer valid. (*Notice of Cancellation*, October 1, 1996: Military specifications number MIL-I-45208A, *Inspection System Requirements*, December 16, 1963 (canceled without replacement).)

§ 955. Test Samples.

This section outlines the actions the Department must take with its test samples after the ballistic test is performed. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

§ 956. Submission of Test Samples.

This section details the procedure the Department must follow when announcing to domestic manufacturers of police body armor that DGS has a need to purchase body armor for State peace officers. The repeal of this section is necessary as the Department does not have a funded testing program. Like other law enforcement agencies across the United States, the Department has adopted the minimum performance standards developed by the NIJ. If the Department were to restart a testing program, the Department would update its methodology and would not use the

methodology described in these regulations. The Department has determined that it is not necessary at this time to duplicate the testing efforts of NIJ. The ballistic standard described in these regulations closely follow the federal standard developed in the 1978 NILECJ Report. The current ballistic standard, *The Ballistic Resistance of Body Armor, NIJ Standard-0101.06*, has evolved from the 0101.00 standard published in 1978.

§ 957. References-Publications.

This section lists the publications the Department relied on when promulgating the regulations. The repeal of this section is necessary as each publication listed has either been repealed or superseded on numerous occasions since their publication.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes:

- (1) It is unlikely that the proposal would create or eliminate jobs within the state because the outdated regulations do not reflect the state's current procurement policies and practices.
- (2) It is unlikely that the proposal would create new businesses or eliminate existing businesses within the state because the outdated regulations do not reflect the state's current procurement policies and practices.
- (3) It is unlikely that the proposal would result in the expansion of businesses currently doing business within the state because the outdated regulations do not reflect the state's current procurement policies and practices.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by repealing regulations that are inconsistent with current police body armor standards. Currently, the regulation standards are outdated. By repealing these regulations, the Department's regulations will no longer be out of step with the state's current procurement process, which follows the most current federal standards for police body armor, standards that have improved police officer safety.
- (2) The proposal would benefit worker safety because it repeals an outdated method of testing police body armor that does not conform to the current federal standard, which better protect California law enforcement while in the line of duty.
- (3) The proposal would not benefit the state's environment because it does not change any applicable environmental standards.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR SIMILAR DOCUMENTS RELIED UPON

1. NILECJ-STD-0101.01, *The Ballistic Resistance of Police Body Armor*, December 1978, available from National Bureau of Standards, Law Enforcement Standards Laboratory.
2. NIJ Standard-0101.06, *Ballistic Resistance of Body Armor*, July 2008.
3. Department of General Services, Bid Specification 8470-2208, Ballistic Body Armor Level IIIA.
4. Military specifications number MIL-I-45208A, *Inspection System Requirements*, December 1963.
5. Notice of Cancellation, October 1, 1996: Military specifications number MIL-I-45208A, *Inspection System Requirements*, December 16, 1963 (canceled without replacement).
6. Mark Greene, “Body Armor: Protecting Our Nation’s Officers From Ballistic Threats,” NIJ Journal 280, January 2019.
7. Mark Greene et al, “The Next Revision of the NIJ Performance Standard for Ballistic Resistance of Body Armor, NIJ Standard 0101.07: Changes to Test Methods and Test Threats, September 30, 2018. <https://nij.ojp.gov/topics/articles/next-revision-nij-performance-standard-ballistic-resistance-body-armor-nij-standard>

EVIDENCE SUPPORTING DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposed action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposal would repeal California’s outdated police body armor regulations. There are no provisions within the proposed regulations that place additional burdens, obligations, or expenses on existing businesses.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Department determines that these proposed regulations do not affect small businesses.

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION AND THE AGENCY’S REASON FOR REJECTING THOSE ALTERNATIVES

The Department finds that no alternatives were presented to, or considered by, the Department that would be more effective in carrying out the purpose of these proposed regulations or would be as effective and less burdensome to affected private persons than these proposed regulations.

Performance Standard as Alternative:

Although the proposed regulations mandate the use of specific technologies and equipment and prescribe specific actions or procedures, they are outdated and do not reflect the state's current procurement policies and practices.