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January 19, 2021

Hon. Jonathan G. Jacobson
LOB 628
Albany, NY 12248
jacobsonj@nyassembly.gov

Hon. Michael Montesano
LOB 437
Albany, NY 12248
montesanoM@assembly.gov

Hon. William Colton
LOB 733
Albany, NY 12248
ColtonW@nyassembly.gov

Hon. David McDonough
LOB 443
Albany, NY 12248
mcdonoughd@nyassembly.gov

Re: A. 353 An Act to amend the penal law, in relation to the unlawful wearing of a body vest

Dear legislators Jacobson, Colton, Montesano, McDonough;

On behalf of the New York Press Photographers Association (NYPPA), joined by the National Press Photographers Association (NPPA) and other groups listed below, we write to ask that you add an exemption for properly credentialed members of the media as part of bill [A. 353](#) “to amend the penal law, in relation to the unlawful wearing of a body vest.”

As proposed the amendment would change the language from the now limited prohibition against “the unlawful wearing of a body vest” when committing “any violent felony offense . . . while possessing a firearm, rifle or shotgun” by broadening the scope of the law to criminalize “wearing a body vest” while committing any “misdemeanor or felony.” Such a change will have the unintended consequence of making members of the media who rely on such protective equipment open to arrest and prosecution.

As should be noted during the violent acts in Washington on January 6, 2021, many of which were against journalists, some members of the media wear ballistic vests for protection, especially in more dangerous situations including protests and large public gatherings.

Our concern with the proposed legislation is that it creates criminal liability for those charged with misdemeanors such as obstruction of governmental administration, disorderly conduct, trespassing, failure to comply with a lawful order, or even jaywalking. These highly discretionary charges are often used by officers to chill journalists’ First Amendment rights as they attempt to photograph, record and report on matters of public concern. Several members of the media had been arrested during recent incidents, and for those choosing to wear this protective gear, the revised law may result in their being exposed to additional and unwarranted criminal prosecution.

Therefore, we respectfully request that you add an exemption for journalists to prevent this bill from becoming an additional safety and legal liability for members of the press who already have sometimes difficult and dangerous jobs.

Thank you for your attention and we look forward to working with you to achieve our mutual interests.

Sincerely,

Bruce Cotler, NYPPA
President
president@nyppa.org

Andrew Stanfill, NPPA
President
President@nppa.org

Todd Maisel
Vice President, Govt
Relations Chairman
vicepresident@nyppa.org

On behalf of:

The Deadline Club
Freedom of the Press Foundation
The James W. Foley Legacy Foundation
New York News Publishers Association
New York State Broadcasters Association
Press Freedom Defense Fund, a program of First Look Media Works, Inc.
Press Freedom Foundation
Radio Television Digital News Association
Society of Environmental Journalists
Society of Professional Journalists