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Bill mandates testing for cop/fire safety gear

Howard Fischer, CAPITOL MEDIA SERVICES

PHOENIX - Lawmakers are trying to ensure that when a police officer puts on a bulletproof vest it actually does what it was advertised to do: stop bullets.

Legislation set for debate today would ban the sale of safety equipment for police and firefighters unless it is independently tested. The measures, HB 2569 and SB 1435, would require those tests to certify "claims of the manufacturer with respect to the purpose and the warranty of fitness of the product."

Sgt. Kerry Fuller, a spokeswoman for the Tucson Police Department, declined to comment on what the measures would mean locally until she has had a chance to review the language of both bills. The measures would apply to a host of products used by public safety personnel. But Rep. Bob Robson, R-Chandler, sponsor of one of the bills, said it is aimed largely at the problems created for police in Arizona by Second Chance Body Armor.

Lawsuits filed against the company in several states contend the vests failed.

In Arizona, Attorney General Terry Goddard charged in court papers that two of the Michigan company's models did not provide the protection claimed by the company. He wants a judge to order Second Chance to provide a full refund to officers.

But that case was placed on hold after the company filed for protection from its creditors last year. That not only derailed Goddard's demand for a refund but sidetracked his request that a judge block the company from selling any more of the allegedly defective vests in Arizona.

Robson said Second Chance said its vests were guaranteed to protect for five years. But it turned out that protection dissipated before that in heat and humidity - conditions that exist when the vests are worn by peace officers in Arizona.

He said the legislation will force manufacturers to provide independent verification to the agencies and individuals that buy their products that the claims they make about them are accurate. But the measure would not entirely shut the door on non-certified equipment.

The legislation says products sold after the bill becomes law which would happen this summer if it's approved - have to be certified. But any police or fire department would remain free to continue buying the same products that it was buying before; only a new or redesigned product would be subject to the new test.

Matt Davis, vice president of sales for Second Chance, said the vests sold by his company already undergo testing to see if they comply with National Institute for Justice standards.

But Jake Jacobsen, president of the Phoenix Law Enforcement Association, said that, by itself, would not be enough. "They didn't account for the weather conditions applicable to the state of Arizona," he said.

The certification requirement would not apply to guns sold to police. And vehicles also would not have to be certified as safe despite a series of incidents in which Ford Crown Victoria patrol cars exploded after being struck from behind, rupturing their gasoline tanks.