



Comprehensive HR-218 LEOSA Fact Sheet

Law Enforcement Officers' Safety Act

Overview

The **Law Enforcement Officers' Safety Act (LEOSA)**, codified as **H.R. 218** and referenced in **18 U.S.C. § 926C**, is a federal law enacted in 2004 that allows qualified active and retired law enforcement officers to carry concealed firearms nationwide, superseding most state and local handgun restrictions. This includes carrying across state lines, enabling officers to maintain protection regardless of their location.

Key Point: LEOSA provides a narrow federal exemption from state firearms laws but does not override all state restrictions or supersede laws unrelated to firearm possession.

PART I: ELIGIBILITY REQUIREMENTS

Who Qualifies

Qualified Retired Law Enforcement Officers must meet ALL criteria:

1. **Service Requirements** (18 USC §926C(c)(1))
 - Separated from service in good standing OR retired after completing probationary period due to service-connected disability
 - Aggregate of at least 10 years of service (or separated early due to disability)
2. **Training and Qualification** (18 USC §926C(c)(4))
 - Completed firearms qualification within past 12 months
 - Must meet active-duty standards established by former agency, state of residence, or certified firearms instructor



Comprehensive HR-218 LEOSA Fact Sheet

- **Critical:** No grace period - one day past 12 months voids protection

3. No Disqualifying Factors (18 USC §926C(c) (1-7))

- NOT under influence of alcohol or intoxicating substances
- NOT prohibited by Federal law from receiving/possessing firearms
- No felony convictions
- No domestic violence misdemeanor convictions
- NOT adjudicated mentally incompetent
- NOT subject to disabling court orders

4. Identification and Certification (18 USC §926C(d))

- Must carry BOTH documents simultaneously when armed:
 - Photographic ID card from retiring agency (without firearms restriction)
 - Certification proving qualification within past 12 months

5. Agency Good Standing

- Separated in good standing
- Not discharged for cause
- No unfavorable findings or disqualifying disciplinary actions

PART II: FEDERAL PROTECTIONS

Primary Protection



Comprehensive HR-218 LEOSA Fact Sheet

- Carry concealed firearms nationwide under 18 USC § 926C
- Carry across state lines
- Exempts from most states concealed carry licensing requirements

Limitations

LEOSA does NOT provide protection for:

1. **State-Specific Restrictions** - States can prohibit firearms on their properties and certain locations
2. **Non-Conflicting State Laws** - Does not override magazine restrictions or other non-conflicting regulations
3. **Private Property** - Property owners can prohibit firearms
4. **Federal Facilities** - Cannot carry in federal courthouses, federal buildings, TSA-secured areas, etc.

PART III: DOCUMENTATION REQUIREMENTS

Required When Carrying

1. **Photographic ID** - Issued by retiring agency, showing "retired" status without firearms restrictions
2. **Certification of Qualification** - Issued within previous 12 months, specific to firearm type

12-Month Recertification

- No grace period - expires exactly 12 months after certification
- Officer loses protection if lapses by even one day



Comprehensive HR-218 LEOSA Fact Sheet

- Should renew 30-60 days before expiration

Qualification Standards

- Typically, 50-round course of fire, minimum 70% passing score
- Can be conducted by agency, state, or certified instructor
- Officer responsible for ensuring certification meets requirements

PART IV: PROHIBITED LOCATIONS

Federal Restrictions (Absolute)

1. Federal Courthouses
2. TSA-Secured Areas (airports)
3. Military Bases and Installations
4. Nuclear Facilities
5. Federal Buildings (restricted areas)
6. Tribal Lands (unless approved)
7. National Parks (unless state law allows)

State and Local Restrictions

- School grounds (varies by state)
- Government buildings
- State parks and forests
- Private businesses with posted prohibitions
- Healthcare facilities



Comprehensive HR-218 LEOSA Fact Sheet

- Public venues (stadiums, concert halls)

Alcohol and Substance Influence

- Absolute prohibition - cannot carry under any influence
- No threshold - any influence disqualifies protection

PART V: INTERSTATE CARRY

Carry Rights

- Can carry in any state or U.S. territory
- Federal law preempts state CCW permit requirements

State Law Compliance

Must comply with state restrictions on:

- Where firearms can be carried
- Types of firearms allowed
- Magazine capacity limits
- Transportation requirements
- Proper storage laws

PART VI: INVESTIGATION AND VERIFICATION

Law Enforcement Authority

- On-duty officers can conduct field investigations



Comprehensive HR-218 LEOSA Fact Sheet

- May verify ID authenticity, certification validity, background compliance

Burden on Officer

- Officer must prove compliance with ALL requirements
- Documentation must be present and valid
- Cannot rely on officer's words alone

Consequences of Non-Compliance

- Full loss of LEOSA protection
- Subject to state felony charges for unlawful possession
- No federal protection against prosecution

PART VII: PERSONAL LIABILITY

Important Distinction

- LEOSA provides criminal immunity only
- Does NOT provide civil liability protection
- Officers can still be sued for use of force, negligent discharge, etc.

Recommended Coverage

- LEOSA-specific liability insurance
- Legal representation coverage
- Civil liability coverage for lawsuits



Comprehensive HR-218 LEOSA Fact Sheet

PART VIII: NEW YORK STATE & NYC SPECIFIC

New York Recognition

- New York State and NYC officially recognize LEOSA
- However, specific requirements and restrictions apply

NY Requirements

1. Required Documentation:

- Valid retired officer photographic ID
- Firearms qualification within past 12 months per DCJS standards
- Specific to firearm type

2. No NY Pistol Permit Required - LEOSA exempts from permit requirement

3. DCJS Standards:

- 50-round course of fire
- Minimum 70% pass score

4. Training Providers:

- Former employing agency
- NY State Police
- NYC Police Department
- DCJS-certified instructors

Sensitive Locations Exemption (2023 Update)

- NY amended law to exempt qualified LEOs from sensitive location restrictions



Comprehensive HR-218 LEOSA Fact Sheet

- Exemptions apply to:
 - Restricted locations (Penal Law 265.01-d)
 - Sensitive locations (Penal Law 265.01-e)
 - Schools, courthouses, government buildings, public transportation

Firearms Acquired During Service

- Exempt from NY SAFE Act restrictions if acquired during employment and properly registered within 60 days of retirement
- Magazine restrictions still apply to newly purchased firearms post-retirement
- High-capacity magazines cannot be newly acquired

NYC NYPD Requirements

1. **Agency Retirement Documentation** - Valid NYPD or agency retired officer ID
2. **NYPD Certification Option:**
 - Cost: \$75-\$100
 - 2.5-hour course
 - 50-round DCJS course of fire
 - Photo ID card issued upon passing
3. **NYC Carrying Locations** - Can carry in public spaces with state restrictions
4. **Private Establishments** - No protection against private business gun-free zones

Common HR-218 Issues in NYC

1. Expired certification



Comprehensive HR-218 LEOSA Fact Sheet

2. Wrong firearm type
3. Age of certification (13+ months)
4. Missing documentation
5. Prior conviction discovery

NYC Police Enforcement Procedures

If stopped while carrying:

1. Present both LEOSA documents
2. Officer will verify ID authenticity, certification currency, background compliance
3. NYPD may conduct field investigation
4. **Outcome:** Compliant = release; non-compliant = possible arrest

PART IX: COMMON MISTAKES

Critical Errors That Void Protection

1. Expired training certification (even one day past 12 months)
2. Carrying while under influence
3. Missing documentation
4. Wrong firearm type
5. Disqualifying criminal history
6. Carrying in absolutely prohibited areas
7. Misunderstanding state restrictions



Comprehensive HR-218 LEOSA Fact Sheet

Documentation Organization Tips

- Keep certification in wallet
- Maintain photocopies at home and in vehicle
- Digitize documents (phone backup)
- Update calendar with renewal date
- Use certification tracker app

PART X: RECENT CHANGES

2023 NY State Budget Amendment

- Sensitive Location Exemption expanded LEOSA protection in New York
- Exempts qualified officers from state sensitive location restrictions

LEOSA Improvements Act (2011)

- Flexibility in documentation requirements
- Alternative ID options
- Clarification on disability retirements
- Clearer certification standards

PART XI: RECOMMENDED ACTIONS

1. **Obtain Documentation** - Request from former agency or complete training
2. **Understand Local Laws** - Research state/local restrictions
3. **Obtain Liability Insurance** - Consider LEOSA-specific coverage



Comprehensive HR-218 LEOSA Fact Sheet

4. **Organize Documentation** - Keep accessible at all times
5. **Maintain Qualification** - Schedule annual renewal 30-60 days before expiration

6. **Consult Legal Counsel** - Understand state-specific restrictions

PART XII: ADDITIONAL RESOURCES

Federal Statutes:

- 18 USC § 926B (Active LEOs)
- 18 USC § 926C (Retired LEOs/LEOSA)
- 18 USC § 927 (Preemption)

New York State Resources:

- NY Penal Law § 265.01-d (Restricted Locations)
- NY Penal Law § 265.01-e (Sensitive Locations)
- NY Penal Law § 265.20 (Assault Weapon Registration)
- NYC Police Department HR-218 Qualification Program

State and Local Contacts:

- NYC Police Firearms Unit
- New York State Police
- DCJS (Division of Criminal Justice Services)

REFERENCES



Comprehensive HR-218 LEOSA Fact Sheet

The document cites 7 primary sources including:

- US Concealed Carry resources
- NRA Law Enforcement materials
- NYC Police Department guidance
- Congress.gov legislation
- Federal Law Enforcement Officers Association
- NY State Senate laws
- NY Court Clerks information

Disclaimer: This fact sheet is for informational purposes only and does not constitute legal advice. Consult with a qualified attorney regarding your specific situation and state/local regulations.