

Law Enforcement Officers Safety Act (LEOSA / HR-218): Guidance for Retired Officers

1. LEOSA (HR-218) Requirements and Relation to Firearm Ownership/Transfer Under New York Permits

The Law Enforcement Officers Safety Act (LEOSA), codified at 18 U.S.C. § 926C and commonly referred to as HR-218, authorizes qualified retired law enforcement officers to carry a concealed firearm nationwide, notwithstanding most state or local laws restricting concealed carry, subject to specific conditions and limitations (18 U.S.C. § 926C(a)–(b); 18 U.S.C. § 927).

Key Qualification Requirements for Retired Officers

A qualified retired law enforcement officer must meet all the following criteria:

- Separated in good standing with statutory arrest powers and at least 10 years of aggregate service (or separated due to service-connected disability).
- Annual firearms qualification within the preceding 12 months, at personal expense, meeting standards set by the former agency, state of residence, or a certified instructor.
- Possession of required photographic identification (typically a retired officer ID card) and proof of annual qualification.
- Not under the influence of alcohol or intoxicating substances.
- Not prohibited from possessing firearms under federal law (e.g., no felony convictions, domestic violence misdemeanor convictions, or protective orders per 18 U.S.C. § 922(g)).
- No adverse mental health findings or agreements precluding qualification.

Failure to satisfy any requirement removes LEOSA protection, potentially exposing the officer to prosecution for unlicensed possession or carry in restrictive jurisdictions. Even when compliant, officers may face field or station-house investigations to verify eligibility. Concealed Carry based solely on LEOSA is not recommended. The NYSP Pistol Permit Bureau suggests contacting the local authorities where you plan to carry and ascertain local laws regarding firearm possession and ammunition. Magazine capacity and ammunition type are NOT covered under LEOSA. The NYSP Pistol Permit Bureau can be reached at 518-464-7120 and pistolpt@troopers.ny.gov for further questions and inquiries.

LEOSA authorizes concealed carry but does not override state laws on firearm purchase, transfer, registration, or possession unrelated to carry. It also exempts private property restrictions and state/local prohibitions in government buildings, parks, or other specified locations.

New York-Specific Considerations: Permits, Surrender, Ownership Transfer, and Non-Resident Status

In New York, pistol permits are required for handgun possession and are issued at the county level (outside NYC) or by the NYPD in New York City. Active law enforcement officers are exempt from permitting requirements during service, but retired officers are not automatically exempt under state law unless relying on federal LEOSA authority.

General New York Requirements

Retired Law Enforcement officers may choose to keep a County issued permit upon retirement. There is no mandate to surrender a County pistol permit upon retirement. New York State Police members may choose the option to transfer their County permit authority to the Superintendent of State Police and receive a retired NYSP members permit. Their County permit would need to be surrendered after the transfer occurs. County issued permits and the NYSP retired members permit must be recertified online every three years at:

<https://firearms.troopers.ny.gov/pprecert/welcome.faces>

Some agencies or counties may have internal policies for department-issued credentials or firearms, but personal permits are typically retained or recertified. New York State Police guidance indicates retired officers may rely on LEOSA without a state permit, though many obtain or maintain one for added protection or local compliance.

Firearm ownership and transfer remain subject to New York laws. LEOSA provides authority for concealed carry (and incidental possession) but does not override transfer, purchase, or registration rules.

Specific Requirements for Retiring New York State Police (NYSP) Members

Retiring members of the New York State Police are subject to Division-specific procedures regarding firearms licenses (Administrative Manual Article 16C7, “Retiring from Division Service - Firearms License,” effective February 21, 2025).

- Retiring members must transfer any county-issued New York State pistol permit to the authority of the New York State Police if they wish to be issued a NYSP retired members permit. The Pistol Permit Bureau (PPB) manages this process.
- At least 60 days prior to separation:
 - Submit Notification of Retirement/Separation (PERS-11A) to the Office of Human Resources, Troop/Detail Commander, and PPB (pistolpt@troopers.ny.gov).

- Indicate request for a NYSP Pistol License in the “Possession of Personally Owned Firearms” section.
- If you possess a county-issued permit and choose to apply for the NYSP retired firearms license:
 - Submit copy of PERS-11A, Request to Transfer County Pistol Permit to the Authority of The New York State Police (PPB-15; original to county licensing office), and Member Firearms License Application (PPB-16) to PPB.
 - The county pistol permit must be surrendered upon issuance of the NYSP firearms license.
 - The county may impose a transfer fee; no fee is charged by the Division.
- If no county-issued permit is possessed, additional documents (e.g., fingerprint card, authorization forms, money order) are required.
- Failure to complete requirements timely may result in refusal to issue a license.
- Members wishing to rely solely on LEOSA (without a state license) must independently satisfy all federal requirements and any possession requirements of their state of residence.
- A retiring member possessing a valid County permit can continue to maintain their County permit and not request a NYSP retired members permit.

NYSP retired members in good standing with a valid firearms permit may participate in the Division’s annual Retired Member firearms qualification program, scheduled through Troop Headquarters, to obtain LEOSA certification.

Non-resident retired officers may carry concealed under LEOSA when visiting NY, provided all federal requirements are met. Possession incident to carry is protected, but long-term storage or non-carry possession remains subject to state licensing.

Consultation with the Pistol Permit Bureau, legal counsel, and the issuing agency is strongly recommended for individual circumstances.

2. Legality of Concealed Carry in Specified Jurisdictions

LEOSA provides nationwide carry authority but does not supersede non-conflicting state/local laws or restrictions on certain locations.

- **New York City (NYC):** Concealed carry under LEOSA alone is highly risky and not recommended. NYC requires a local permit for handgun possession. While LEOSA preempts certain state carry restrictions, local enforcement may initiate arrest or investigation. No definitive appellate ruling fully resolves this conflict,

and arrests have occurred. Officers are advised to obtain a NYC permit if possible or avoid carrying.

- **Washington, D.C.:** LEOSA is recognized. The Metropolitan Police Department provides a process for qualification and certification. Qualified retired officers may carry concealed, subject to federal requirements and local restrictions.
- **Puerto Rico:** LEOSA applies fully as federal law in the territory. Retired officers meeting federal criteria may carry concealed without a local permit, subject to any non-conflicting territorial restrictions.

3. Transportation of Firearms on Commercial Aircraft

Federal Transportation Security Administration (TSA) regulations and individual airline policies govern firearm transport on commercial aircraft.

TSA Requirements

- Firearms are prohibited in carry-on baggage.
- Firearms are permitted only in checked baggage and must be unloaded, packed in a locked hard-sided container, and declared at check-in.
- Ammunition must be securely packed; quantity limits apply (generally up to 11 lbs./5 kg per passenger).

Airline Policies

All airlines must comply with TSA regulations, but individual carriers may impose additional requirements or restrictions. Policies vary by airline. For example, Delta Airlines accepts firearms and ammunition only in checked baggage, requires declaration at check-in, mandates separate packing for ammunition, and enforces quantity limits. Travelers must review and adhere to the specific policy of each airline involved in their itinerary prior to travel.

Compliance with the Firearm Owners Protection Act (18 U.S.C. § 926A) may provide additional interstate transport protections for lawful travel, but declaration to the airline remains mandatory.

- “HR-218 NYC info.pdf” (attached document containing detailed summary and full statutory text of 18 U.S.C. § 926C, § 927, and relevant portions of § 922).
- New York State Police Administrative Manual, Article 16C7, “Retiring from Division Service – Firearms License,” effective February 21, 2025 (provided text).
- Dutchess County Sheriff’s Office, Law Enforcement Officers Safety Act (LEOSA) Qualification Program. Available at:
<https://www.dutchessny.gov/Departments/Sheriff/law-enforcement-officers-safety-qualify.htm>

- Transportation Security Administration, “Firearms.” Available at: <https://www.tsa.gov/travel/security-screening/whatcanibring/items/firearms>
- Delta Air Lines (example airline policy), “Ammunition, Explosives or Firearms.” Available at: <https://www.delta.com/us/en/baggage/prohibited-or-restricted-items/ammunition-explosives-firearms>
- Jurisdiction-specific guidance derived from federal statute (18 U.S.C. § 926C) and general departmental practices; officers should consult current official agency policies and legal counsel for Washington, D.C., New York City, and Puerto Rico.