

the agency which could result in suspension or loss of police powers." Despite the apparent relaxation of the disciplinary exception, there is still ambiguity as to at what point in the disciplinary process a law enforcement officer would be considered to be "subject to disciplinary action," as well as whether disciplinary action is of the variety that "could result" in suspension or loss of police powers. We therefore urge our active members to exercise caution in determining whether to carry out of state if they have reason to believe they may be the subject of discipline.

Qualification of Retirees

Under the old law, in order to be a "Qualified Retired Law Enforcement Officer" ("QRLEO") permitted to carry in another state, the retiree had to have met the standards and qualifications for active law enforcement officers ("LEO") established by the state in which he or she resides, or otherwise be certified to carry firearms by the law enforcement agency from which he or she retired, within the last year. This was problematic for our retirees residing in New York state due to the state's reluctance to establish any statewide standards and the NYPD's refusal to create a certification procedure for retired members.

The amended law has created two additional ways for a separated member to qualify as a QRLEO. Where as in New York, the state has not established standards and qualifications, a member may also become qualified if he or she meets the standards and qualifications of **any** law enforcement agency within the state, or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within the state. Correspondingly, the certification that a QRLEO must carry along with his ID card in order to be protected by the law may be issued by either the state in which he or she resides or a certified firearms instructor, and must indicate that the member has met the standards of the state, or any law enforcement agency within the state, within the last year.

Finally, a former police officer need not actually be "retired" after 15 years of service in order to be a QRLEO, as under the original law. A former police officer need only be "separated from service in good standing" after 10 years of service. Note that the 10 year service requirement does not apply to line of duty retirees. A separated officer also need no longer be entitled to retirement benefits pursuant to the agency's retirement plan in order to be a QRLEO, as was required under the old law. Notwithstanding these changes, it is not clear that our separated (but not retired) members would be authorized to carry, even if certified, because we understand that the Department does not issue ID cards to non-retired members and the law requires members to possess an ID card from the officer's former police agency. Our guidance is not to attempt to carry a firearm under HR 218 if you do not possess a police agency ID card. If precedent is established that would change that guidance, we will update you through this website.

Ammunition

The right to carry now includes the right to carry any ammunition not otherwise banned by Federal law. Therefore the law now allows members to carry hollow point bullets in states such as New Jersey, where they are otherwise prohibited.

Any questions regarding the right to carry out of state should be directed to the PBA General Counsel's office, at 212-298-9194.