

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE OCTOBER 25, 2024	EFFECTIVE DATE OCTOBER 25, 2024	NO. 086-24
SUBJECT: GENERAL ORDER H.R. 218: Active and Retired Members Possession of Concealed Firearms across State Lines (LEOSA)		DISTRIBUTION All Personnel	AMENDS
REFERENCE: 18USCS 926C			RESCINDS 086-11

* **Purpose:** To explain the Law Enforcement Officer's Safety Act (LEOSA) and to establish how active and retired Monroe County Sheriff's Office (MCSO) members may get qualified in accordance with the LEOSA of 2004 and the subsequent Improvement Act of 2010.

Policy: On July 22, 2004, President Bush signed into Law H.R. 218 (LEOSA). This law exempts qualified active and retired law enforcement officers from local and State Laws which prohibit the carrying of concealed firearms. It is the policy of the MCSO to comply with the Act under the following conditions and provisions. Per H.R. 218 legislation, those eligible must have been either a certified Police Officer or a Peace Officer with powers of arrest at the time of retirement or separation. Police/Peace Officer status will be verified through DCJS.

* The H.R. 218 LEOSA exempts qualified active and retired law enforcement officers from local and state laws which prohibit the carrying of concealed firearms. It is the policy of the MCSO to comply with the LEOSA, under the following conditions and provisions.

* Note: The LEOSA does not exempt current or retired members from any state or local owner registration laws.

Definitions:

* In Good Standing – a former member that received a Letter of Good Standing from the Sheriff upon retirement from MCSO.

* Mental instability – For the purpose of this order, means, that the member was medically separated for mental instability or at the time of years-of-service or disability retirement, the member was facing removal for reasons of mental instability.

* Required identification – The identification required by this law for active members is the photographic identification issued by the governmental agency for which the individual is employed as a LEO.

Firearms – Specifically excludes machine guns, silencers, explosives and other destructive devices as these terms are defined in Federal Law.

* **I. Procedures for Active Members**

A. No active member of the MCSO who is a New York State (NYS) certified police officer/peace officer as recorded on the DCJS registry may carry their department issued weapon out of NYS within the provisions of H.R. 218 (926B) unless on official MCSO business. If a certified police officer/peace officer member carries a non-department weapon across NYS lines under H.R. 218, they must have a valid NYS pistol permit with the privately owned gun listed on the permit.

Those members not police officer/peace officer certified as recorded on the DCJS registry are not eligible for H.R. 218.

- * B. Qualified active LEO's must carry the photographic identification issued by the MCSO and meet the requirements set forth for "qualified active law enforcement officers" under H.R. 218. The Staff Services Unit will issue the photographic identification for members eligible for H.R. 218 (926B). This identification will be their MCSO identification with the required H.R. 218 information on it. In order to receive a MCSO identification indicating the member is H.R. 218 eligible, the member must submit a request on a **MB-003 Intra-Departmental Correspondence** to the Commander of Staff Services through their chain-of-command who will review the request and determine if the member is eligible for H.R. 218. This will include reviewing the member's employment status with MCSO (not in academy or probation) reviewing their most recent firearms qualification and any outstanding Internal Affairs investigations. Once the Commander of Staff Services has verified the member is eligible, the new MCSO identification will be issued to the member and the active member will sign the **MB-191 Waiver and Release for an Active Deputy**.

Note: In the event that an active member's eligibility to qualify to H.R. 218 changes, they must notify the Commander of Staff Services, utilizing a **MB-003 Intra-Departmental Correspondence** submitted, through their chain-of-command.

- C. The Internal Affairs Lieutenant will notify any member who is the subject of an investigation that they are not eligible for H.R. 218 while the investigation is open. Once the investigation has been completed, the Internal Affairs Lieutenant will advise the member of their H.R. 218 status.
- D. Any questions about a member's qualification for H.R. 218 to include those from outside police agencies will be referred to the Commander of Staff Services.
- E. Disclaimer of Liability – This policy does not constitute legal advice. Each person carrying a firearm under H.R. 218 does so after personally determining such person's eligibility under H.R. 218. H.R. 218 provides an affirmative defense to the person claiming an exemption under it. H.R. 218 is not a government-issued license or permit. Any person claiming the H.R. 218 exemption has the burden to prove that he or she qualified for the exemption.

Note: Active or former members are not granted special enforcement authority under this federal law. Being able to carry a concealed firearm under the federal law does NOT empower active members with arrest powers by reasons of being armed outside of his or her jurisdiction.

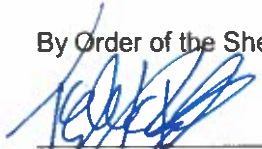
* II. Procedures for Retired/Separated Members:

- A. The Sheriff will provide a "Letter of Good Standing" for qualified retired or separated members at the time of separation/retirement.
- B. It will be the policy of the MCSO to provide annual qualification training for its retired members. Prior to a firearms requalification class, the Firearms Sergeant will ensure each participant has a Letter of Good Standing. If the retired individual does not have a Letter of Good Standing the Firearms Sergeant will contact the Assistant to the Sheriff requesting said letter. The Assistant to the Sheriff will forward this request through the Sheriff. If disapproved, they will notify the retired/separated member. If approved, they will notify the Firearms Sergeant and provide them with a copy for their records.
- C. Prior to a Retiree requalification, the Firearms Sergeant will direct the individual to fill out the **MB-192 Waiver and Release for a Retired Deputy**. Which must be witnessed and returned to the Firearms Sergeant.
 1. On-duty firearms instructors will be used to provide H.R. 218 shooting qualifications.

Any cost for the range will be the responsibility of the retiree or the Retirees Event Club.

2. MCSO firearms instructors will work with the Retirees Event Club to schedule H.R. 218 qualification at an approved range.
3. The MCSO firearms instructors will be on personnel orders.
4. The MCSO firearms instructors will determine the course of fire to meet the requirements of H.R. 218. Retirees must supply their own guns, ammunition and holsters at their own expense. The MCSO will not cover the cost of equipment or ammunition. Equipment and weapons will be inspected by the MCSO firearms instructors to ensure proper working order and safety.
5. The MCSO firearms instructors have the authority to remove any H.R. 218 candidate from the line of fire if safety requirements are violated.
6. The MCSO will maintain all paperwork related to H.R. 218 qualifications. The Retirees Event Club will be provided any copies of the H.R. 218 paperwork it wishes to maintain.
7. The MCSO will provide the identification card required by H.R. 218 to retirees who successfully complete the required qualification.
8. Any retiree who fails to pass the qualification will be provided remedial training and allowed to shoot the qualification course once more. If the retiree fails to pass on the second opportunity, they will not be provided their H.R. 218 identification. The retiree will be allowed to participate in the next H.R. 218 qualification but will not be allowed to attempt to qualify anymore on a day where they failed twice.

By Order of the Sheriff,



Todd K. Baxter

* Indicates a change from the previous order.