



NATIONAL FRATERNAL ORDER OF POLICE®

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8 March 2013

The Honorable Andrew M. Cuomo
Governor
State of New York
New York State Capitol Building
Albany, NY 12224

Dear Governor Cuomo,

I am writing on behalf of the members of the Fraternal Order of Police to add our voice to the tens of thousands of active and retired law enforcement officers living in the State of New York in asking that recent changes to State law be amended to exempt active and retired law enforcement officers.

We suggest that State legislators look to the Federal model, the Law Enforcement Officers' Safety Act (LEOSA), to guide them in crafting the exemption. The LEOSA exempts qualified active and retired law enforcement officers from State and local prohibitions on the carriage of firearms. In 2010, Congress passed and the President signed into law an amendment extending the exemption to the types of ammunition, effectively overriding State and local laws on this point. While Federal law is currently silent on exempting these officers from restrictions on magazine sizes, Congress has repeatedly demonstrated that it shares our view that law enforcement officers, active or retired, improve public safety and should not face impediments or restrictions that hinder their carriage of firearms. The law restricting magazine size in New York would certainly have this effect, as the firearms carried by most active and retired law enforcement officers exceed seven rounds.

Senator Patrick J. Leahy (D-VT), Chairman of the Judiciary Committee and the author of the LEOSA and its subsequent amendments, stated in 2010:

Since LEOSA was enacted, many retired officers have experienced substantial difficulty in gaining the benefits intended by the law. We listened carefully to the feedback and advice from those in the law enforcement community to make the existing law stronger and more workable in a responsible and measured way.

Law enforcement officers are never "off-duty." They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to the peace or to our public safety, law enforcement officers are sworn to answer that call. The LEOSA and its subsequent

— BUILDING ON A PROUD TRADITION —



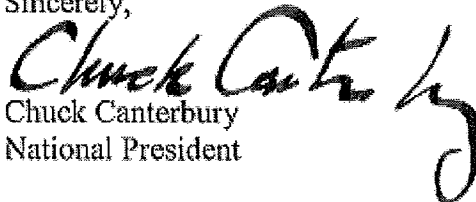
amendments enable law enforcement officers nationwide to be armed and prepared when they answer that call, no matter where, when, or in what form it comes.

It is also an issue of officer safety. While a police officer may not remember the name and face of every criminal he or she has locked behind bars, criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out; active or retired; on duty or off and the LEOSA was specifically enacted to protect officers and their families from vindictive criminals, and to allow thousands of equipped, trained and certified law enforcement officers, whether on-duty, off-duty or retired, to carry concealed firearms even when traveling outside their own jurisdictions.

Active and retired law enforcement officers in New York State and around the nation are very concerned that the recent law limiting magazine size will have an adverse impact on officer safety and public safety. Clearly, current State law must be amended to prevent the State law from applying to the service weapons of active duty police, but it also presents an opportunity to ensure that the law preserves our national commitment to officer and public safety by also exempting qualified active and retired law enforcement officers, just as Congress intended with the passage of the LEOSA.

On behalf of the more than 330,000 members of the Fraternal Order of Police, I thank you for your consideration of our perspective. We would sincerely appreciate your leadership on this issue and look forward to working with you. If I can be of any additional assistance, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,



Chuck Canterbury
National President

CC: Charles J. Caputo, President of the New York State Lodge