

Today, March 30, 2023 is going to be something of a historic day. A group of dedicated adherents to the rule of law, showed up to support the law known as LEOSA (Law Enforcement Officers Safety Act). On the other side, was the state of New Jersey who apparently doesn't respect the supremacy clause of the U.S. Constitution, represented by the Office of The Attorney General of the State of New Jersey.

Judges Paul B. Matey, Arianna J. Freeman and Julio Fuentes heard the matter before the court. The Federal Law Enforcement Officers Association, and the NJ FOP, who originally brought the matter before the court, were represented by the Blank-Rome Law Firm, Attorneys Nicholas Harbist and Michael Darbee, Deputy Attorney General David Chen, represented the state.

The argument brought by Blank-Rome, was that the facts of the matter are clear. LEOSA came into existence contemporaneously with the advent of the attacks of 9/11. The purpose was to make it easier for police officers, active and retired, to move about the country while doing so armed. The result was designed to make the general public safer because of the increase in trained, experienced law enforcement present among us every day.

Blank-Rome also correctly stated that LEOSA means what it says. If you are an active duty officer, you may carry anywhere it is lawful to do so in any state. No additional permits are required to do so. Your badge is that permit. If you are retired, LEOSA requires that you have a Retired ID issued by your department, and have proof that you have qualified just as active duty members do. It also requires that you not suffer any of the disabilities in the statute. We're all familiar with what they are.

Deputy Attorney General Chen, had his turn at bat. He attacked the issuance of Department issued Identification as little more than "Courtesy Cards." Why? Because they do not guarantee that the bearer did any particular time on the job. It doesn't guarantee that they don't suffer any of the disabilities set forth in LEOSA. Strangely enough, those same disabilities would have prevented these officers from possessing a firearm on the day the retired ID was issued to them. Chen's whole argument was that Chiefs of Police throughout the state of NJ are not capable or to be trusted with the privilege, of deciding who should get a retired ID. Watch for the state to attempt taking on that responsibility in the not too distant future.

Chen then probed some of the other issues, such as the state's ability to make other rules that conflict with LEOSA, such as carrying Hollow points, which are permitted under LEOSA. The court was skeptical of some of his assertions particularly as it related to the arbitrary age limit of 75 in NJ. Judge Fuentes, was particularly aggrieved by that detail because it's discrimination based on age. He apparently gets it!

The questioning of the state by the panel, seemed to be uneasy about the states assertion that they could add things not specifically contained in LEOSA to prevent retirees from carrying lawfully. Consider this. Retired officers from other states, living in NJ have only to show a retired ID. NJ has no way of knowing if they suffer any of the statutory disabilities set forth in LEOSA. Yet, NJ retirees, would have hurdles to jump to lawfully carry. That's called disparate treatment and very likely a violation of our civil rights as such.

Yes, it is difficult when a retiree has contact with the police, to conduct a records search to expose possible statutory disabilities they may have as it relates to firearms carrying. But that is also the case when the police have contact with a civilian at their home and learn they own firearms. Shall the state conduct criminal history checks, mental health record checks and check nationally for the existence of restraining orders nationwide every time they come into contact with a lawfully armed

citizen? Or do those things come into play subsequent to an arrest having been effected? NJ argued for different standards based on what class of people you belong to. That's inherently unjust!

Based on the questions and reactions of the jurists, we believe we will prevail in this appeal by the state. At the end of the day, LEOSA says what it says pretty clearly. We do not believe the court is going to start allowing additional hurdles to retired officers carrying under LEOSA.

Joe V, Ken B and Larry C.

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#FOPSTRONG