

**NOTICE OF AMENDMENT TO NY SAFE ACT**  
**AFFECTING RETIRED LAW ENFORCEMENT OFFICERS**

On July 5, 2013, Governor Cuomo signed an amendment to the NY SAFE Act that grants qualified retired law enforcement officers an exemption for large capacity magazine restrictions.

Effective immediately, qualified retired New York or federal law enforcement officers (as defined in the NYS Penal Law\*) are exempt from prosecution for violating large capacity magazine restrictions **for guns that were issued or purchased in the course of official duties and owned at the time of retirement**, or comparable replacements. Other guns not owned in the course of official duties prior to retirement are not exempt. Only exempt firearms can contain magazines that have a capacity of more than ten (10), or can have more than seven (7) in the magazine when not at a range.

In order to maintain this exemption, retired law enforcement officers must meet qualification using standards for active law enforcement officers every three (3) years, and if retired more than eighteen months, they must qualify within eighteen months of enactment of this law (i.e. before January 5, 2015).

Although the amendment also allows qualified retired law enforcement officers to own assault weapons under limited circumstances if they are registered with the State Police, assault weapons cannot lawfully be possessed in New York City because of a separate prohibition in the New York City Administrative Code.

\* The definition of “qualified retired New York or federal law enforcement officer” is contained in PL Section 265.00(25), and includes among other things that the retiree has separated in good standing from a public agency located in New York State where they were employed for at least five years as a police officer, peace officer, or federal law enforcement officer, as those terms are defined in the Criminal Procedure Law, and that they are not otherwise prohibited from possessing a firearm.