



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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FLEOA & New Jersey FOP Hail Success in LEOSA Lawsuit Against State of New Jersey

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WASHINGTON, DC – Today, Larry Cosme, National President of the Federal Law Enforcement Officers Association (FLEOA) – the nation’s largest non-partisan, non-for-profit professional association representing more than 31,000 federal law enforcement officers and agents across 65 federal agencies – released the following statement announcing the success of FLEOA and the New Jersey State Lodge of the Fraternal Order of Police’s (NJ FOP) lawsuit against the state of New Jersey:

“FLEOA and NJ FOP started this lawsuit against the State of New Jersey because of its complete failure to comply with the federal standards set in the Law Enforcement Officers Safety Act (LEOSA) in title 18 U.S.C. 926C. The state created a scheme that denied otherwise lawful and compliant law enforcement officers their rights to carry under the federal LEOSA statute. This regulatory scheme was inconsistent with federal law, undermined our members rights, and diminished public safety,” said FLEOA President Cosme.

“FLEOA and the NJ FOP joined in this lawsuit to address the injustice the State of New Jersey has been carrying out against law enforcement officers for decades. The state’s flagrant and willful ignorance of federal law has sowed confusion and discontent among otherwise qualified law enforcement officers. LEOSA sought to enhance public safety. Instead, the State of New Jersey criminalized lawful conduct of qualified law enforcement officers. The Court deciding this case has now agreed with our filings, as well as the Department of Justice Statement of Interest filed in support of our case, that the New Jersey regulations violated federal LEOSA law. With this ruling, it is clear the federal LEOSA statute, 18 USC 926C, is the law of the land and New Jersey needs to come into full compliance with it,” said President Cosme and President Robert W. Fox of the NJ FOP.

President Fox of the NJ FOP said, **“For too long, New Jersey law enforcement caught between a web of conflicting regulations that undermined their rights and put the public at risk by denying the benefits of LEOSA. The federal Congress passed LEOSA to ensure qualified law enforcement, no matter where they lived, could serve as a force multiplier in the public when needed. New Jersey’s regulations sought to undermine the important role of LEOSA. Today’s ruling makes clear no state can willfully violate right’s guaranteed by the federal government.”**

President Cosme and President Fox both agreed, **“Now, qualified law enforcement officers in New Jersey no longer need to live in fear of punishment for following federal law, but potentially violating New Jersey regulations. We are thankful for the Court’s ruling in this case. The Court’s decision hits on the merits and facts of our position and was based on what the federal statute clearly says—that LEOSA is indeed the law of the land. We are grateful for the work of counsel for FLEOA and NJ FOP,**

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Blank Rome L.L.P, and specifically the work of Stephen M. Orlofsky, Nicholas C. Harbist and Michael Darbee.”

It has been and remains the position of FLEOA and the NJ FOP that New Jersey must fully recognize the LEOSA right to carry and accept the federal preemption of New Jersey’s contrary requirements. The Court agreed in finding the State regulations violate the Supremacy Clause of the United States Constitution.

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