

## **H.R. 218 – Law Enforcement Safety Act Update**

### **H.R. 218 – LAW ENFORCEMENT SAFETY ACT**

**SIGNED INTO LAW JULY 22, 2004**

**HR. 218 ALLOWS QUALIFIED ACTIVE AND RETIRED LAW ENFORCEMENT OFFICERS TO CARRY CONCEALED FIREARMS ON WHICH THEY ARE TRAINED AND CERTIFIED BY THEIR STATE TO USE**

#### WHAT IS A QUALIFIED ACTIVE LAW ENFORCEMENT OFFICER?

*An employee of a government agency who is:*

- *Authorized by law to engage in or supervise the prevention, detection, prosecution or incarceration of any person for any violation of law*
- *Has statutory powers of arrest*
- *Is authorized by their employing agency to carry a firearm*
- *Is not the subject of any disciplinary action by the agency*
- *Meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm*
- *Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and*
- *Is not prohibited by federal law from carrying a firearm.*

#### WHAT IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER?

*Any individual who:*

- *Has retired in good standing from service with a government agency as a law enforcement officer for an aggregate of 15 years or more for reasons other than mental instability, or retired from such an agency due to a service-connected disability after completing any applicable probationary period of such service*
- *Was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law*
- *Had statutory powers of arrest*
- *Has a non-forfeitable right to benefits under the retirement plan of the agency for which he was employed*
- *Meets, at his own expense, the same standards for qualification with a firearm as an active officer within the state in which he resides*
- *Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and*
- *Is not prohibited by federal law from carrying a firearm.*

#### WHAT DOCUMENTATION IS REQUIRED FOR CONCEALED CARRY RIGHTS?

*Active law enforcement officers must carry the photographic identification issued by the agency for which they are employed. Retired law enforcement officers must carry the photographic identification issued by the agency for which they are employed and documentation, which shows they have met the qualification standards in their state of residence, for the firearm they are carrying.*

#### ARE ANY FIREARMS-RELATED ITEMS EXCLUDED?

*Machine guns, silencers, explosives or other destructive devices are not covered under concealed carry rights.*

#### ARE NON-GOVERNMENT EMPLOYEES WITH STATUTORY LAW ENFORCEMENT AUTHORITY ELIGIBLE FOR CONCEALED CARRY?

*No. Individuals must be an employee of a local, state or federal government agency to qualify.*

#### HOW DO RETIRED LAW ENFORCEMENT OFFICERS RECEIVE CERTIFICATION OF TRAINING AND QUALIFICATION TO CARRY A FIREARM?

*Certification is a state function. While many states already have a process by which to receive certifications, several do not. It is likely that with passage of H.R. 218, those states which don't have a certification system will be working to develop them.*

#### WHEN DOES THIS LAW GO INTO EFFECT?

*The bill became effective upon its signing on July 22, 2004. However, in those cases where the states don't have a process by which to certify officers as qualified and eligible to carry concealed firearms, otherwise qualified retired law enforcement officers will not be able to carry until a certification process is established and they are in possession of the necessary identification.*