



Former PBA attorney Bill Johnson is the Executive Director of NAPO.

The National Association of Police Organizations (NAPO) is a coalition of law enforcement unions and associations from across the United States that serves to advance the interests of America's law enforcement and corrections officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents more than 2,000 police unions and associations, 236,000 sworn law enforcement officers, 11,000 retired officers and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement. Florida PBA, Palm Beach County PBA, Dade County PBA, and Coastal Florida PBA are members of NAPO.

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Congress Looking To Increase Port Security

On May 4, the House passed broad port security legislation, H.R. 4954, by an overwhelming majority. The bill would authorize more than \$5 billion over six years for port security. Among its many provisions, it would require the Department of Homeland Security (DHS) to consult with federal, state and local officials to establish an integrated network of maritime security command centers at appropriate U.S. seaports and maritime regions. State and local law enforcement agencies are expected to participate in the maritime security command centers in order to provide the best protection for the nation's ports.

The Senate companion bill, S. 2459, was approved by the Homeland Security and Governmental Affairs committee on May 2, but has yet to be scheduled for a vote on the Senate floor. Similar to the House bill, S. 2459 creates joint operation centers and indicates that it expects state and local law enforcement and first responder agencies to participate in each joint operations center for maritime and cargo security.

Because H. 4954 and S. 2459 are so similar, neither the House nor the Senate Homeland Security Committees anticipate any conflicts arising in conference between the two versions of the port security legislation.

H.R. 218, the "Law Enforcement Officers' Safety Act"

On July 22, 2004, **President George W. Bush** signed H.R. 218, the "Law Enforcement Officers' Safety Act," into law. The Act, now Public Law 108-277, went into effect immediately.

This new Federal law exempts qualified active and retired law enforcement officers from local and state prohibitions on the carrying of concealed firearms while off-duty across state lines.

Frequently Asked Questions (FAQs):

Who is eligible to carry concealed firearms under this law?

A qualified active or retired law enforcement officer who is carrying the proper identification may carry a concealed firearm across state lines.

However, this law shall not be construed to supersede or limit the laws of any state that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. So, private citizens are allowed to prohibit the possession of a concealed firearm on their own property. A state can restrict the possession of a concealed weapon on its property (i.e. park, school, building, etc.).

What does "qualified law enforcement officer" mean?

A "qualified **active** law enforcement officer" is defined as an employee of a governmental agency who:

1. is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
2. is authorized by the agency to carry a firearm;
3. is not the subject of any disciplinary action by the agency;
4. meets standards established by the agency which require the employee to regularly qualify in the use of a firearm;
5. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
6. is not prohibited by Federal law from possessing a firearm.

A "qualified **retired** law enforcement officer" is an individual who:

1. retired in good standing from service with a public agency as a law enforcement officer for reasons other than mental instability;
2. before retirement was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
3. before retirement was regularly employed as a law enforcement officer for a total of 15 years or more or completed any applicable probationary period of such service, and then retired early due to a service-connected disability;
4. has a non-forfeitable right to benefits under the retirement plan of the agency;
5. during the past 12 months has met, at his/her own expense, the state of residency's standards for training and qualification for active law enforcement officers to carry firearms;
6. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. is not prohibited by Federal law from possessing a firearm.

What credentials does a retired officer need to carry under the provisions of this bill?

There are two ways to satisfy the current Federal law:

If you are a qualified retired law enforcement officer you must carry on your person a photo ID issued by the agency from which you retired from service as a law enforcement officer that indicates that you have been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for that agency's active law enforcement officers to carry a firearm of the same type as the concealed firearm.

OR

If you are a qualified retired law enforcement officer you must carry a photo ID issued by the agency from which you retired from service as a law enforcement officer **and** a certification issued by the state **in which you currently reside** that indicates that you have been tested or otherwise found by the State in which you reside to meet the standards

established by the state in which you reside for training and qualification for that state's own active law enforcement officers to carry a firearm of the same type as the concealed firearm, within the past 12 months.

I am a retired officer living in Florida. I was an active officer with the Chicago Police Department. How and where do I get my photo ID and certificate to carry?

The photo ID is issued by the agency from which you retired from service as a law enforcement officer. (Chicago)

The certification is issued by the state (Florida) in which you reside and indicates that you have been tested or otherwise found by the state (Florida) to meet the standards established by the state (Florida) for training and qualification for the state's (Florida's) own active law enforcement to carry a firearm of the same type as the concealed firearm.

Am I allowed to carry a firearm on an airplane?

No. As an off-duty officer, you are not able to fly with a concealed weapon according to the current Federal aviation regulations. The Law Enforcement Officers Safety Act does not affect Federal laws, such as those enforced by TSA. Federal law does allow officers (and regular citizens) to bring their firearms with them in their checked luggage. (They do have to declare the firearms to airline personnel.)

Will current state laws still restrict or continue to prohibit officers from carrying firearms legally within a particular state?

The Federal law exempts qualified active and retired officers from the application of state law. For example, a qualified active or retired officer is allowed to carry a concealed weapon in a **public** area. However, this law shall not be construed to supersede or limit the laws of any state that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. So you should still follow the regulations imposed at Federal or state buildings, schools, airports, etc.

Does this mean all states have to change their carry laws to reflect the Federal law?

State laws are not required to change. This is a Federal law that exempts qualified active and retired law enforcement officers from local and State prohibitions on the carrying of concealed firearms. However, this law shall not be construed to supersede or limit the laws of any State that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

As a security guard with a homeowner's association, am I adversely affected by H.R. 218?

Private employers are still allowed to set their own standards and qualifications for carrying a firearm on duty.

As an officer with NYPD, I wasn't allowed to carry between jurisdictions while off-duty. Is this still the case?

A qualified officer should be able to carry a concealed firearm while off-duty as long as you are in compliance with the requirements of the Federal statutes.

Will an officer be able to carry in a state like New York or D.C. which have strict licensing requirements?

Yes. However, this law shall not be construed to supersede or limit the laws of any state that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park.

My agency has a policy that does not allow me to carry a firearm while off-duty. Am I still legally allowed to do so? Or must I follow their requirement?

Unless you're trying to get fired, it's probably best if you follow your department's policies. Remember, part of the definition for who is a "qualified officer" is that you are authorized by your agency to carry a firearm.