



H.R. 218, the “Law Enforcement Officers’ Safety Act”

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:

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, private citizens are allowed to prohibit the possession of a concealed firearm on their 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 law enforcement officer” means 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
6. is not prohibited by Federal law from receiving 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 nonforfeitable 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
7. is not prohibited by Federal law from receiving a firearm

How do I qualify to carry under the provisions of this bill?

A qualified retired law enforcement officer 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 active law enforcement to carry a firearm of the same type as the concealed firearm.

OR

A qualified retired law enforcement officer 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 reside that indicates that you have been tested or otherwise found by the State to meet the standards established by the State for training and qualification for 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.

The certification is issued by the State in which you reside and indicates that you have been tested or otherwise found by the State to meet the standards established by the State for training and qualification for 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.)

Senator Harry Reid (D-NV) has introduced legislation for that would allow state and local officers to carry their firearms on an aircraft. NAPO is lobbying in favor of this legislation.

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

The new Federal law exempts qualified off-duty police officers from the application of state law. For example, a qualified off-duty officer is allowed to carry a concealed weapon in a public area but must follow the regulations imposed at federal buildings, schools, airports, etc.

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

State laws are not required to change. This is a new Federal law that exempts qualified active and retired law enforcement officers from local and State prohibitions on the carrying of concealed firearms.

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.