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14 October 2009

The Honorable J. Randy Forbes
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Forbes,

I am writing to thank you for introducing H.R. 3752, the "Law Enforcement Officers' Safety Act Improvements Act," which will make some improvements to the provisions of the Federal statute which exempts qualified active and retired law enforcement officers from State and local prohibitions on the carriage of firearms.

The amendments proposed to the existing Law Enforcement Officers' Safety Act (LEOSA) are very important to the men and women who serve and have served as law enforcement officers in our nation's communities. The bill you have introduced addresses a persistent problem that qualified retired law enforcement officers have encountered in States which have failed to implement the LEOSA as intended by Congress. Under current law, qualified retired law enforcement officers must carry the photographic identification issued by the agency for which they were employed *and* documentation which certifies that they have met, within the most recent twelve month period, the active duty law enforcement standards for qualification for a firearm of the same type as the one they intend to carry. This document must be issued by the retired officer's former agency *or* from the State in which he resides. Right now, States which have not or have refused to adopt a procedure or mechanism for retired officers to qualify with their weapon are effectively preventing retired officers within their State from being able to carry their firearms legally as Congress intended.

During the mark-up of the legislation before the House Judiciary Committee in June 2004, this point was specifically addressed in a colloquy between Representatives F. James Sensenbrenner, Jr. (R-WI), the Chairman of the Committee and author of the amendment requiring the State or the agency to issue a document certifying that the officer had qualified, and Representative Ric Keller (R-FL). The exchange between these two Members made it clear that the amendment was *not* intended to be a means by which a State could "get around" the Federal law. Unfortunately, this is exactly its effect in many States.

To address this issue, your legislation would provide that a "certified firearms instructor" could conduct and qualify retired law enforcement officers using the active duty standards for qualification in firearms training as established by the State; or if the State has not established such standards, standards set by any law enforcement agency within that State. This would enable any certified firearms instructor to qualify a retired officer using either the standards set by

— BUILDING ON A PROUD TRADITION —

the State in which the instructor is certified and the officer resides, or in the absence of such standards (or the recognition of such standards), using the standards of any law enforcement agency in the State. This will ensure that qualified retired law enforcement officers will no longer be prevented from carrying their firearms under LEOSA over what is simply a paperwork issue.

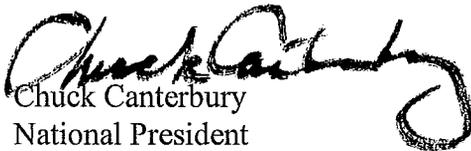
The bill will also make sure that the Amtrak and Federal Reserve Police Departments are included in the definition of "qualified active and retired law enforcement officer." The officers employed by these agencies are considered Federal law enforcement officers, but because Amtrak and the Federal Reserve are public-private corporations overseen by the Federal government, these officers cannot be considered as an "employee of a governmental agency" as required by the statute. Given this, it seems clear that the officers of the Amtrak and Federal Reserve Police Departments should be included in the definition.

The bill would also clarify that any Federal law enforcement officer classified as a GS-0083 or any successor to that series who is employed by the Executive Branch also be deemed to meet the definition of "qualified active or retired law enforcement officer" in the current statute. In addition, the bill would expand the definition of "qualified retired law enforcement officer" to include honorably discharged military personnel who served as a law enforcement officer or in a primarily law enforcement capacity for a branch of the United States Armed Services.

Finally, the bill would lower the aggregate years of service necessary to meet the definition of "qualified retired law enforcement officer" from fifteen (15) to ten (10) and remove confusing language related to that same definition.

We look forward to working with you on this legislation, and, on behalf of the more than 327,000 members of the Fraternal Order of Police, I thank you again for being our champion on this critical officer safety issue. Please feel free to call on me or Executive Director Jim Pasco if I can be of any further assistance.

Sincerely,


Chuck Canterbury
National President