



NATIONAL FRATERNAL ORDER OF POLICE

H.R. 2243/S. 679, the “LEOSA Reform Act”

Section-by-section analysis

This proposed legislation would make minor but important changes to the existing Law Enforcement Officers’ Safety Act (LEOSA) statute (18 USC 926B and 926C) to improve the safety of our nation’s qualified active and retired law enforcement.

In the 118th Congress, the House passed the legislation on a 221-185 vote, but it did not advance in the Senate.

Section 1. Short Title.

The short title of the bill is the “LEOSA Reform Act.”

Section 2. Conforming the Law Enforcement Officer Safety Act and the Gun-Free School Zones Act.

The LEOSA statute exempts qualified active and retired law enforcement officers from State and local prohibitions on the carriage of concealed firearms. This exemption, however, does not apply to areas governed by Federal law or regulation. The Gun-Free School Zones Act (GFSZA) has seven exemptions in current law, including those who are licensed to carry firearms in the State where the school is located. A qualified active or retired law enforcement officer must abide by the GFSZA. Section 2 would add an eighth exemption to the GFSZA to include anyone authorized to carry under LEOSA.

Issue: In some States, a mother with a CCW permit can carry her firearm while attending an event at her child’s school. However, the child’s grandfather, a qualified retired law enforcement officer, or his active-duty uncle from out of State, could not.

Section 3. Making Improvements to the Law Enforcement Officers’ Safety Act.

- (a) Under the current statute, the LEOSA exemption does not apply to “common or contract carriers” like public transportation or other public areas. This paragraph would expand the LEOSA exemption to include property used by a “common or contract carrier” and to property that is “open to the public.”

Issue: An active duty law enforcement officer visiting a different jurisdiction may not be able to use local buses, trolleys or ferries during his or her visit.

- (b) Under the current statute, active and qualified law enforcement officers carrying under LEOSA cannot carry in national parks. However, individuals that have licenses from a State (or which have reciprocity with the State) may lawfully carry into national parks located in that State. This paragraph would expand the LEOSA exemption to cover national parks.

Issue: Two friends visit Scott's Bluff National Monument. The civilian is carrying a firearm because he or she has a permit issued by Nebraska. His or her friend, an active duty law enforcement officer from Florida, who can carry in Nebraska under LEOSA, cannot carry his or her firearm into the national park.

- (c) The LEOSA exemption in current law does not apply to magazine capacity. This paragraph would clarify Congressional intent that magazines, like ammunition and the firearm itself, should be exempt from State and local law.

Issue: An active or retired law enforcement officer who is trained with and qualified to carry a semiautomatic firearm with a 12-round magazine cannot travel into a jurisdiction which restricts magazine size unless he or she brings a weapon with a magazine that conforms to State law. This means the officer must leave his or her firearm behind and expose himself or herself to jeopardy or decide to carry a firearm with which he or she is less familiar.

- (d) This paragraph makes minor changes to the existing statute with respect to qualification and training standards. Under current law, qualified retired law enforcement officers must re-certify every 12 months. This provision would allow States to lengthen this time period for up to 36 months. It also clarifies Congressional intent that the standards which must be met by the qualified retired law enforcement officer can be set and conducted by (1) the officer's former agency, (2) the State in which the officer resides, (3) any law enforcement agency within the State in which the officer resides, or (4) a firearms instructor certified by the State in which the officer resides to conduct active-duty firearms training.

Issue: Some States may wish to save on resource and training costs by lengthening the time between requalification. The existing language in the statute regarding training and standards is clarified.

Section 4. Permitting Qualified Current and Retired Law Enforcement Officers to Carry Firearms in Certain Federal Facilities.

Under current law, an active local or State law enforcement officer can only enter a U.S. Post Office, Social Security Administration Office, Veterans Affairs Office or similar Federal facility if they are there in an "official capacity"—i.e., a call for service. This Section would allow any active or retired law enforcement officer carrying under the LEOSA to lawfully access these facilities.

Issue: A law enforcement officer, even if on duty and in full uniform, cannot lawfully enter a Social Security Administration building or similar facility to drop off paperwork, pick up a form or speak to an employee. An officer can only enter the facility if they are responding to a call for service.