

Understanding H.R. 218-LEOSA

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The Law Enforcement Officers Safety Act of 2004, 18 U.S.C. §§ 926B-926C ("LEOSA") empowers "qualified" current law enforcement officers ("LEOs") and "qualified" retired LEOs to carry concealed firearms nationwide regardless of state laws to the contrary. Congress enacted LEOSA with three goals: (1) Establish parity between local LEOs and their federal counterparts who already carry nationwide; (2) create an unpaid homeland security force to help protect the nation; and (3) allow qualified current and retired LEOs the means to defend themselves and families against criminals. LEOSA can be credited with enabling off-duty Chicago Police Officer Vince Jamison to lawfully carry the concealed firearm he used in Orem, Utah to save the life of a man being attacked by an emotionally disturbed person.

So, why is there so much confusion about LEOSA and disagreement about who it covers? Two reasons-- the absence of any comprehensive federal guidance and the proliferation of misguidance by many state authorities have left many LEOs to interpret this law through the lenses of their respective experiences, state's laws, and agency's policies. There are some highly trained and experienced LEOs not covered by LEOSA, and some less well trained and less experienced LEOs who are covered. For example, a highly trained SWAT officer employed by a sheriff's office with common law arrest powers, but without statutory arrest powers, is not covered.

Conversely, a peace officer from Tiny Township, USA employed to raise the local foot bridge every fourth Thursday night is covered and may carry any firearm concealed nationwide, so long as he (1) has authority to deter acts of sabotage to the bridge and statutory powers to make arrests on or about the bridge; (2) is authorized by his agency to carry a five shot revolver on-duty; (3) meets his agency standards, if any, to qualify with a revolver; (4) is carrying the photo ID issued to him by his agency; and he is not (7) the subject of agency disciplinary action, (8) under the influence, or (9) prohibited by Federal law from receiving a firearm. It does not matter under LEOSA that the peace officer has no badge, that his academy training was only three weeks long, that he is three states from home carrying his mother's pink handled Glock which he never qualified with, that his position will never earn him a pension, or that his agency forbids him from carrying their only revolver when he is off-duty. LEOSA applies and he can carry. The idea of such a person carrying nationwide offends many, but Congress considered that civilians with only a few hours of firearms familiarization can already carry in more than half the states on a single permit. In fact, in July 2009 the Senate was only 2 votes shy of extending nationwide concealed carry to civilians.

Before the Iron Pigs case involving two Seattle officers and two U.S. Customs officers, there was Rodriguez and Booth. Rodriguez was a part-time Pennsylvania constable and Booth was an off-duty U.S. Coast Guard boarding officer. Neither were real cops or fake cops, but both were found by New York courts to be qualified LEOs despite their quaint titles. Each was found to be covered by LEOSA because they satisfied the statute's requirements and the unlawful possession charges against them were dismissed. A civil case involving a Virginia "conservator of the peace" is pending against the District of Columbia. *Ord v. D.C.* involves a claim that the District wrongfully issued an arrest warrant against Ord for unlawful firearms possession. The warrant was withdrawn, but Ord is suing, in part, for injunctive relief to prevent the District from issuing future arrest warrants against him and other peace officers who carry in the District.

No doubt LEOs with obscure titles will continue to be arrested despite LEOSA, but anyone interested in learning more about LEOSA to reduce their own risk of arrest or civil liability for false arrest may attend SheepdogAcademy's comprehensive Understanding HR 218-LEOSA seminar which goes far behind the obvious to answer the questions most LEOs have about who can carry? Whether long guns included? Where LEOs can and cannot carry? To schedule or attend a SheepdogAcademy seminar visit <http://www.SheepdogAcademy.com>