

Michigan Commission on Law Enforcement Standards

Law Enforcement Retiree Carry Concealed

CARRY CONCEALED INFORMATION

The following information is provided to retired law enforcement officers in Michigan who wish to apply for authorization to carry a concealed firearm pursuant to the federal **Law Enforcement Officers Safety Act of 2004, 18 USC 926C**, also known as **LEOSA**, and the **Michigan Retired Law Enforcement Officer's Firearm Carry Act, 2008 PA 537**.

This document outlines the process by which retired law enforcement officers **who reside in Michigan** may make application to the Michigan Commission on Law Enforcement Standards (MCOLES) to obtain a LEOSA certification that verifies a person's authorization to carry a concealed firearm in interstate travel.

The LEOSA certification issued to qualified applicants is a wallet size, two-sided, card. One side is a retirement identification with the applicant's photo and physical description, issued by the authority of the agency from which the officer retired. The other side is a numbered certification with an expiration date, stating that MCOLES certifies that the applicant meets the Michigan standards for active duty law enforcement officers to carry a firearm.

PLEASE NOTE: Retired officers may make direct application to the department from which they retired to obtain the certification required to carry a concealed firearm pursuant to LEOSA and may choose not to participate in the state's process. Retirees and agencies must follow the procedures as established by LEOSA and their individual agency policies and procedures regarding identification and qualification.

This Web page includes links to these documents:

- An **Application** for Law Enforcement Officers Safety Act Certification. This form may be completed on line and then printed.
- The **Michigan statute** entitled: "Michigan Retired Law Enforcement Officer's Firearm Carry Act," Public Act 537 of 2008.
- A list of **Training / Test Centers** where approved law enforcement retirees may train and test for LEOSA certification.
- The MCOLES **template for the retirement verification letter** (letters conforming to the MCOLES template are to be signed by an authorized representative of the agency from which the applicant retired).
- A Live Scan **fingerprinting application**.

TO QUALIFY AS A RETIRED LAW ENFORCEMENT OFFICER

To qualify as a retired law enforcement officer, an applicant:

1. Must be a legal resident of this state.
2. Must be retired in good standing as a licensed law enforcement officer, other than for reasons of mental instability.
3. Must have been authorized to engage in the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law.
4. Must have had statutory powers of arrest.
5. Must have been regularly employed as a law enforcement officer for an aggregate of 15 years or more, or must have retired from service due to a service-connected disability after completing any applicable probationary period.
6. Must have non-forfeitable right to benefits under the retirement plan of the agency.
7. During the past 12 months, must have met the state's standard for training and qualification for active duty law enforcement officers to carry firearms.
8. Must not be a person prohibited by federal law from receiving a firearm, including, but not limited to, the following persons restricted from transporting or possessing a firearm under 18 USC 922(g):
 - a. A person convicted, in any court, of a crime punishable by imprisonment for a term exceeding one year;
 - b. A fugitive from justice;
 - c. A person unlawfully using, or addicted to, any controlled substance, as defined in section 102 of the Controlled Substance Act, 21 USC 802;
 - d. A person who has been adjudicated as a mental defective or committed to a mental institution;
 - e. An alien who is illegally in the United States or who has been admitted to the United States under a nonimmigrant visa, as that term is defined in section 101(a)(26) of the Immigration and Nationality Act, 8 USC 1101(a)(26);
 - f. A person discharged from the Armed Forces under dishonorable conditions;
 - g. A citizen of the United States who has renounced his or her citizenship;
 - h. A person convicted in any court of a misdemeanor crime of domestic violence;
 - i. A person subject to a court order that was issued after a hearing for which he or she received actual notice, at which he or she had the opportunity to participate, if that order restrains him or her from harassing, stalking, or threatening an intimate partner or the child of the intimate partner, or engaging in other conduct that would place either of them in reasonable fear of bodily injury, and includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

APPLICATION PROCESS

Step 1:

Retirees seeking to obtain a LEOSA certification are required to submit to a fingerprint-based identification and a criminal history search in the initial application. Note, fingerprinting is not required for renewal applications. Applicants must obtain a fingerprint scan for a criminal records check. Applicants may obtain the scan at their local sheriff's office, local law enforcement agency, or the law enforcement agency from which they retired, if such agencies have Live Scan capabilities and are willing to test "applicants." The State Police will NOT do the fingerprinting. Private vendors may be used as well. Print cards will not be accepted. For a list of private fingerprint vendors, go to www.11id.com and click on "Enrollment Services," then "Schedule a Fingerprint Appointment Online." From the map of the United States, click on the state of Michigan, to find fingerprint locations in Michigan.

Applicants should call ahead to the location where they may want to be fingerprinted to determine if the location will do "applicant" fingerprinting. Not all Live Scan locations will do applicant fingerprinting. All the approved private vendors will do applicant fingerprinting.

Fingerprinting Fees: The federal charge is \$19.25; the state charge is \$30.00; and the private vendor charge is \$ 13.50. County and local law enforcement agencies are permitted to set their own fees. All private vendors will do applicant fingerprinting. Applicants should call ahead to determine that a law enforcement agency will do applicant fingerprinting, that they are capable of coding the "Reason for Fingerprinting" as "RLE," (NOT "CCW") and to determine what fee they will charge.

Applicants must complete the form entitled "Live Scan Fingerprint Request" and submit the form to the law enforcement agency or private vendor where the prints are being taken. **The MCOLES ID number is "77061P." The Reason for Fingerprinting is "RLE."** Results of the print check will be automatically forwarded to MCOLES. Print cards will not be accepted. Get a copy of the completed "Live Scan Fingerprint Request" form as proof of fingerprinting. The photocopy must accompany the completed, signed application form.

Questions regarding this process can be directed to MCOLES at 517-322-3967.

Step 2:

The applicant shall submit a complete Application packet to MCOLES. The application packet must include (APPLICATION CHECKLIST):

___ The completed and signed *application form*.

___ An agency *letter* signed by an authorized representative of the agency from which the applicant retired on agency letterhead that conforms to the MCOLES template in all

respects. Letters that do not conform to the MCOLES template will be rejected and render the application defective.

___ A passport quality *photograph*, which shall be: taken alone, taken within the last 6 months, with an image from bottom of chin to top of head, of between 1 and 1 3/8 inches. The photo must be clear, front view, full face, taken without a hat or dark glasses, with a white background. For certification renewals, a new photograph is required every five years.

___ A *photocopy of the proof of fingerprinting*.

___ A *photocopy of the driver's license* or state ID.

___ The *application fee* of \$35.00 made payable to the "State of Michigan."

The applicant will be notified via U.S. mail by MCOLES when the application has been approved.

Step 3:

The applicant should contact a Training/Test Center to schedule training and testing. The applicant is required to:

- Pay the Training/Testing Center fee of \$95.00.
- Provide their own handgun and ammunition (50 rounds, in the event of the need for a re-test) for qualification.

The applicant shall demonstrate compliance with Michigan's active duty firearm standard at an MCOLES approved regional Training / Test Center. The active duty standard consists of two equally important components: a) an educational component, which consists of seven behaviorally-based outcomes and a test (decision-making) and b) a standard course of fire (mechanical skills).

The **educational component** of the active duty firearm standard consists of information regarding:

- The appropriate use of deadly force.
- Assessing a life threatening situation.
- Employing sound safety tactics.
- Appropriately discharging a firearm in a life threatening situation.
- The requirements of LEOSA and civilian carry laws.

Remedial training is recommended in the event of a failure. One retest will be allowed during the testing session. Failure on the retest will require scheduling a second training and testing session and payment of a second fee to the training and testing center.

The **course of fire** consists of 25 rounds of ammunition, using a standard academy target, at the following distances:

- 2-yards (6 rounds)
- 3 yards (6 rounds)
- 4 / 7 yards (2 targets, 10 rounds)
- 10 yards (3 rounds)

Remedial training is recommended in the event of a failure. One retest will be allowed during the test session. Failure on the retest will require scheduling a second training and testing session and payment of a second fee to the training and testing center.

Step 4:

Test results from the regional Training/Test Center will be sent to MCOLES for further processing. MCOLES will ensure that all requirements have been met.

Applicants who meet all requirements will be sent a wallet sized, two-sided LEOSA certification card, consisting of a retirement identification on one side, and an MCOLES certification on the other side. The expiration date on the card will be one year from the date of issuance.

REQUIREMENTS AND RESTRICTIONS FOR CARRYING CONCEALED

To exercise the right to carry a concealed firearm under LEOSA, a qualified retired law enforcement officer must carry a LEOSA certification card and a valid Michigan driver license (or Michigan personal identification card). These instruments must be carried while in possession of a concealed firearm and must be produced on the demand of a peace officer. A LEOSA certification card is valid for one year and must be renewed upon expiration in order to maintain the authorization to carry a concealed firearm under LEOSA.

LEOSA restricts the carrying of certain types of firearms. LEOSA does not authorize a person to carry a machinegun, as defined in section 5845 of the National Firearms Act, or any firearm silencer or destructive device, as defined in section 921 of Title 18 of the United States Code.

A person under the influence of alcohol or any other intoxicating or hallucinatory drug or substance may not carry a concealed firearm under LEOSA.

The privileges granted under LEOSA do not supersede or limit state and federal restrictions on the possession and use of firearms, and do not limit private persons or entities from restricting the possession and use of firearms on their property. Before carrying a concealed firearm in a particular jurisdiction, building, or premises, persons authorized under LEOSA should inquire about and become acquainted with legal and private restrictions on the possession and use of firearms.

All applicable state and federal laws must be met when an applicant purchases a firearm in the state of Michigan. A complete copy of the firearms laws in Michigan can be obtained on the Internet at <http://www.michigan.gov/msp>.

Those carrying a concealed firearm pursuant to a LEOSA certification shall immediately report to the Commission, in writing, any of the following:

1. A change in status as a legal resident of this state.
2. A change in status of having retired in good standing as a licensed law enforcement officer.
3. A change in the status of having non-forfeitable right to benefits under the retirement plan of the agency.
4. A conviction, in any court, of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence.
5. Unlawful use, or addiction to, any controlled substance, as defined in section 102 of the Controlled Substance Act, 21 USC 802.
6. An adjudication as a mental defective or commitment to a mental institution.
7. Discharge from the Armed Forces under dishonorable conditions.
8. Renouncement of United States citizenship.
9. Being subject to a court order that was issued after a hearing for which you received actual notice, at which you had the opportunity to participate, if that order restrains you from harassing, stalking, or threatening an intimate partner or the child of the intimate partner, or engaging in other conduct that would place either of them in reasonable fear of bodily injury, and includes a finding that you represent a credible threat to the physical safety of the intimate partner or child, or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

Note: Retirees are no longer licensed law enforcement officers, LEOSA certification to carry concealed confers NO law enforcement authority over and above that of any civilian.