

# MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

## Law Enforcement Officers Safety Act (LEOSA) and the Michigan Retired Law Enforcement Officer's Firearm Carry Act

### Frequently Asked Questions

1. **I heard about changes to the federal law. What are the effects of the 2010 and 2013 amendments to LEOSA?**

#### The 2010 amendments do the following:

- Extend carrying privileges not only to former officers who have retired from agencies in good standing after 15 or more years of aggregate service, but also to those who have left employment in good standing after 10 or more years of aggregate service with a public agency, including circumstances other than retirement, and those who left employment in good standing due to a service-connected disability after completing any applicable probationary period, regardless of the amount of aggregate service.
- Allow a person to demonstrate firearm proficiency by meeting firearms training standards determined by the former employing agency or the state in which the former officer resides; or, if the state has not established standards, either a law enforcement agency within the state in which the former officer resides, or a certified firearms instructor qualified to administer firearms qualification tests for active duty officers in that state.
- Specifically recognize those formerly employed as law enforcement officers by the Amtrak Police Department, the Federal Reserve, and the executive branch of the Federal Government, provided they otherwise meet other applicable requirements.
- More precisely define what type of firearm may be carried, incorporating definitions from federal firearms laws.

#### The 2013 amendment does the following:

- Extends the LEOSA privilege to military police officers and Department of Defense police officers who also meet the other requirements (10 years of service or medically disabled after completing a satisfactory probation period, etc.).
2. **If I carry under the federal LEOSA privilege. Must I also obtain a Michigan concealed pistol license (CPL)?** No. However, you may want to consider the advantages and disadvantages of carrying under a LEOSA Certificate versus a Michigan Concealed Pistol License before making a decision to seek one or the other.
  3. **Can I legally carry a concealed firearm, simultaneously, under both a LEOSA Certificate and a Michigan concealed pistol license (CPL)?** Yes. There is nothing in state or federal law that prevents a former officer from having a current Michigan CPL as well as a current LEOSA Certificate.
  4. **I am a former officer and have accumulated over 10 aggregate years of law enforcement service from more than one law enforcement employer. I do not have rights to retirement benefits from any of my former employers. Can I still be certified under LEOSA?** Yes. The 2010 amendments to LEOSA eliminate the requirement that a former officer be eligible to receive retirement benefits.

- 5. I am retired and have accumulated more than 10 years of law enforcement service. I do not collect a pension at this time, but I am eligible for one and am entitled to the benefits. Can I still be certified under LEOSA?** Yes. The 2010 amendments to LEOSA eliminate the requirement that a former officer be eligible to receive retirement benefits.
- 6. Can I carry a concealed firearm under a LEOSA Certificate in a bar or a casino?** No, you may not carry under a LEOSA Certificate in a bar or a casino. If you hold a Michigan Concealed Pistol License that designates you as exempt from pistol free zone restrictions, you may carry in a bar; however, you may not carry concealed weapons in a Michigan casino under a LEOSA Certificate or a Michigan Concealed Pistol License.
- 7. Can my former employer certify me under LEOSA, so that I don't have to go through the MCOLES process?** Yes. Law enforcement employers are allowed to certify their former officers under LEOSA. They are not authorized to certify former officers from other agencies and must comply with all provisions of LEOSA.
- 8. What am I obliged to do if I am stopped by a law enforcement officer while I'm carrying a concealed firearm under a LEOSA Certificate?** A Certificate holder who is carrying a concealed firearm and who is stopped by a peace officer must immediately disclose to the peace officer that he or she is carrying a concealed firearm.
- 9. My former spouse got a Michigan personal protection order against me. Am I still eligible to carry under LEOSA?** No. As long as the order is in effect, you are not eligible to carry under a LEOSA Certificate. If you are subject to a court order from any state that restrains you from harassing, stalking or threatening an intimate partner or the child of the intimate partner, or includes a finding that you represent a credible threat to the physical safety of an intimate partner or the partner's child, you are ineligible.
- 10. After I separated from employment, I was convicted of misdemeanor drunk driving. Am I still eligible to carry under LEOSA?** Yes. Generally speaking, misdemeanants are not restricted, however, persons who have been convicted of a misdemeanor crime of domestic violence are restricted. Federal law restricts convicted felons from certification under LEOSA. Federal law also restricts LEOSA certification of persons who are addicted to controlled substances, persons who have been adjudicated as having a mental disorder, and persons who were dishonorably discharged from the Armed Forces.
- 11. I live in Florida half of the year, but I still have my Michigan home. I want to get a LEOSA Certificate. Should I get it through the state of Florida or Michigan?** You must obtain your LEOSA Certificate in your state of residence. If you are licensing your automobile in Michigan and/or still maintain a Michigan driver license or a Michigan personal identification card, Michigan is your state of residence. If you do not possess a Michigan driver license or Michigan personal identification card, you are ineligible for LEOSA certification through the state of Michigan.
- 12. I have a lifetime concealed pistol license issued by the state of Indiana to retired law enforcement officers. I now live in Michigan. Do I need to obtain either a Michigan Concealed Pistol License (CPL) or a LEOSA Certificate in order to legally carry a concealed firearm?** Yes. As a Michigan resident, it would be necessary for you to obtain either the Michigan CPL or a LEOSA Certificate.

13. **The agency with which I was formerly employed will not issue the letter that MCOLES requires to assure that I am a legitimate former law enforcement officer who is eligible for certification under LEOSA. Will MCOLES be able to certify me under LEOSA without the letter?** No. MCOLES cannot issue LEOSA certifications without the involvement of the officer's former employer. This includes cases where the former employer is located in another state and the applicant now resides in Michigan.
14. **The agency with which I was formerly employed is no longer in existence. What should I do?** For purposes of LEOSA certification, MCOLES will accept the MCOLES template letter from the local unit of government under which the former law enforcement agency existed, assuring that the applicant is a legitimate former law enforcement who is otherwise meets all requirements for certification under LEOSA.
15. **The agency with which I was formerly employed issued me an identification card. Do I need to carry this as well as the identification provided with the MCOLES issued LEOSA Certificate?** The MCOLES issued LEOSA Certificate is a plastic card with identification on the opposite side. This, along with a Michigan driver license or Michigan personal identification card, will suffice for purposes of carrying a concealed firearm under the LEOSA Certificate. The agency-issued identification provides further verification of the former officer's status. It is therefore advisable to carry the ID.
16. **Can I carry any type of firearm or ammunition under LEOSA?** No. LEOSA specifically excludes machine guns, silencers, explosives or other destructive devices as these terms are defined under federal law. MCOLES recommends that you consult an attorney if you have questions concerning the interpretation of these restrictions.
17. **Is the exemption provided by LEOSA absolute – can I now carry anywhere and at any time?** No. When carrying in a particular state you are subject to their carry concealed laws. LEOSA does not exempt individuals from federal laws or regulations that restrict the carrying of firearms onto aircraft or other common carriers, or on the premises of federal buildings, property, or national parks. As well, LEOSA does not exempt an individual from state laws that allow persons to prohibit firearms on private property or prohibit firearms on public property. MCOLES recommends that you consult an attorney if you have questions concerning the interpretation of these restrictions.
18. **Does LEOSA grant privileges in Washington, D.C., Puerto Rico, or other United States Territories?** Yes. The term "state," as used in LEOSA, includes the District of Columbia, the Commonwealth of Puerto Rico, and other possessions of the United States.
19. **What about law enforcement officers, with statutory law enforcement authority, who worked for a railroad, a private university, or other type of non-governmental employer. May they carry concealed under LEOSA?** Not unless they were employed by Amtrak, the Federal Reserve, or other non-public entities controlled by the federal government. Generally, LEOSA only grants privileges to those who were employed by a "public agency" but also grants privileges to those employed by Amtrak and the Federal Reserve, and those employed as law enforcement officers by the executive branch of the federal government. A 2013 amendment to LEOSA now also includes bonafide military police officers/Department of Defense police officers who had *powers of apprehension under section 807(b) of Title 10, United States Code [article 7(b)] of the Uniform Code of Military Justice.*