



**Testimony of Craig Webre
Sheriff, Lafourche Parish, Louisiana
President, National Sheriffs' Association
before the
House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security**

**Hearing on the Implementation of the "Law Enforcement Officers Safety Act of 2004" (P.L. 108-277) and Additional Legislative Efforts Aimed at Expanding the Authority to Carry Concealed Firearms
September 6, 2007**

Mr. Chairman and members of the Committee, my name is Craig Webre and I currently serve as the Sheriff of Lafourche Parish, Louisiana and President of the National Sheriffs' Association. The National Sheriffs' Association represents over 3,000 elected sheriffs across the country and over 22,000 law enforcement professionals making us one of the largest law enforcement associations in the nation. I am pleased to have this opportunity to appear before you today to express my concerns with the proposed measure that would amend the federal criminal code to authorize certain categories of current and retired law enforcement officers to carry concealed firearms.

As you may be aware, sheriffs play a unique role in our criminal justice system. In addition to providing traditional policing within their respective counties, sheriffs also manage local jails and are responsible for providing court security. Over 99% of the sheriffs are elected and oftentimes serve as the chief law enforcement officer of their counties. Consequently, we have a keen understanding of the needs of our criminal justice system as well as of the local communities we serve.

The Law Enforcement Officers Safety Act (LEOSA), enacted in 2004, allows two classes of persons—the "qualified law enforcement officer" as defined in 18 U.S.C. § 926 (B) and the "qualified retired law enforcement officer" as defined in § 926 (C)—to carry a concealed firearm in any jurisdiction in the United States, regardless of any conflicting state or local law, with certain exceptions.

The National Sheriffs' Association supported the Act in the 108th Congress based on the premise that allowing trained, active-duty and retired law enforcement officers to carry firearms could only enhance public safety. It would also allow current and former officers to defend themselves against revenge attacks by those they once brought to justice.

However, as a practical matter, it has been difficult for states to implement the Act. For example, LEOSA's preemption of state and local concealed carry prohibitions can take effect without any action by state or local officials as long as the individual police officer in question meets all the requirements of the Act. Yet, many local agencies have said they will not issue the necessary credentials or attest that a given retired officer has fulfilled that agency's training requirement. These agencies are understandably concerned about the potential liability they may face if they issue concealed-weapon credentials to an officer who later uses his or her weapon without justification.

Further, the Act is confusing to officers traveling across state lines because they lack sufficient information about the concealed carry laws of other jurisdictions. What's more, the law has yet to show that it has produced any benefit to public safety. In fact, rather than a reduction in the rate of violent crime—which we had hoped LEOSA would facilitate—we have instead seen a dramatic increase in the exact type of criminal activity the Act was intended to prevent. Given these disappointing results, I am here to express our reservations about the proposed measure, the Law Enforcement Officers Safety Act of 2007 (S. 376, H.R. 2726), which would amend 18 U.S.C. § 926 (C). We believe that the proposed amendment unnecessarily expands the term "qualified retired law enforcement officer" who can carry a concealed firearm.

Specifically, we are concerned with the proposed revision that strikes paragraph (4) of § 926 (C) which would eliminate the requirement that the officer "has a non-forfeitable right to benefits under the retirement plan of the agency." In addition, the Senate bill, S. 376, would change the requisite 15 years or more of law enforcement service to 10 years to be considered as a "qualified retired law enforcement officer" under this section. Similarly, the House bill, H.R. 2726, eliminates the requirement that a qualified retired law enforcement officer in fact be "retired." Rather, under these proposed measures, a law enforcement officer who has "departed" from service would qualify to carry a concealed firearm anywhere in the nation under the previously defined "qualified retired law enforcement officer."

The Senate and House bills therefore seems to imply that any certified officer who is separated from his or her position as a law enforcement officer, regardless of whether they meet the longevity requirement needed to qualify for retirement benefits, would qualify as "retired" under the amended law. Once grouped into the "retired" category, these officers would have just as much right to carry a concealed firearm as

officers with many more years of law enforcement experience. We believe that such a change would be contrary to the intentions of LEOSA's drafters.

It was not mere semantics that led LEOSA's drafters and supporters to require that an officer be "retired," rather than simply a "former" officer before being granted nationwide concealed-carry rights. The Act's drafters did not intend that any officer who has received basic training and been employed for the minimum period of time to become certified be allowed to carry a concealed weapon. We believe that carrying a concealed firearm is a privilege that should be bestowed only upon those retired law enforcement officers who have extensive experience, have dedicated their lives to protect the safety of our citizens, and have demonstrated through their past conduct that they are deserving of such a responsibility. We strongly believe that when considering the expansion of such a privilege we must not act hastily, but must instead closely examine the potential unintended consequences of such a change.

At this time, we are not convinced the proposed changes being considered by this Committee are necessary, or that the potential benefits would outweigh the unintended negative consequences. Before expanding the current law, we believe that further study to determine the practical effects of the Act would be a prudent next step. The proposed amendment to LEOSA is an attempt to find a simple solution to a complex problem. Simply enabling more people to carry concealed firearms is not a solution to providing additional public safety or addressing the recent dramatic increase in violent crime.

I want to thank the Chairman and members of this Committee for conducting this hearing and listening to the concerns of the law enforcement community before taking action on this bill. As an elected official and a law enforcement officer, I am dedicated to ensuring the well-being and safety of all citizens, including my fellow men and women in uniform. With that in mind, I ask for your full consideration of my comments today.