

## Retired/Separated Law Enforcement Officer Concealed Carry

Under federal law<sup>1</sup>, a qualified retired law enforcement officer may carry a concealed firearm<sup>2</sup> without a state-issued concealed weapons license **only** if that individual meets **ALL** of the following criteria:

1. The officer separated from service with a public agency as a law enforcement officer;
2. Before separation, the officer was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or incarceration of any person for any violation of law and had statutory powers of arrest<sup>3</sup>;
3. Before separation, the officer served as a law enforcement officer for an aggregate of 10 years or more OR separated from service because of a service connected disability<sup>4</sup>;
4. The officer has a photo identification issued by the governmental agency from which the individual separated<sup>5</sup>;
5. Documentation from (a) the governmental agency from which the individual separated or (b) a certified instructor qualified to conduct firearms training for active duty ND law enforcement officers, documenting that the officer has, within the most recent twelve months and at the officer's own expense, met either North Dakota standards or law enforcement agency's standards for training and qualification for active law enforcement officers to carry firearms;
6. The officer is not under the influence of alcohol or drugs.
7. The officer is not otherwise prohibited by federal law from receiving a firearm.

However, federal law does not authorize an individual to carry a concealed firearm on a state or local property, installation, building, base, or park if prohibited or restricted by state or local law. State law prohibits firearms and dangerous weapons (concealed or otherwise) in liquor establishments, gaming sites and at any public gathering, including: sporting events, schools or school functions, churches or church functions, political rallies or functions, musical concerts, publicly owned or operated buildings, and publicly owned parks where hunting is not allowed. Compliance with the federal law may not allow a qualified retired law enforcement officer to carry any concealed firearm on private property if a person prohibits or restricts the possession of concealed firearms on their property.

Retired North Dakota officers may carry a concealed firearm at a public gathering if the officer has a North Dakota concealed weapon permit and meets the POST Board's firearm proficiency standards.

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<sup>1</sup> The Law Enforcement Officers Safety Act Improvements Act of 2010, as amended Jan 2, 2013.

<sup>2</sup> The law applies only to firearms. For all other weapons (e.g. knives), a concealed weapons license must be obtained.

<sup>3</sup> The 2013 amendment added the words "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice" after "arrest," thereby extending LEOSA to military police.

<sup>4</sup> To be considered "qualified" an officer must not have been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health, OR must not have entered into an agreement with the agency acknowledging that the individual is not qualified for reasons of mental health.

<sup>5</sup> Federal law does not mandate a state or local government agency to issue the photo identification.