

Testimony of

The Honorable Patrick Leahy

July 23, 2002

Statement of Senator Patrick Leahy
Chairman
Senate Committee on the Judiciary
Hearing on "The Law Enforcement Officers Safety Act of 2002, S. 2480"
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I am pleased today to hold this hearing on the Law Enforcement Officers Safety Act of 2002, legislation to permit current and retired Federal, State and local law enforcement officers to carry their firearms to be prepared to assist in dangerous situations. I am proud that 29 Senators - including Senator Baucus, who joins us today as a witness, and Members of the Judiciary Committee, Senators Thurmond, McConnell, Edwards, Feinstein, Grassley, Sessions, Brownback, Cantwell, DeWine, and Harkin - have joined Senator Hatch and me to cosponsor this bill in an effort to make our communities safer and to better protect law enforcement officers and their families.

I introduced this measure as a companion to H.R. 218, sponsored by Representative Cunningham, who is joining today to testify on the bill's behalf. The House bill has garnered 267 cosponsors from both sides of the aisle. In both the House and the Senate there is strong bipartisan support for this legislation. It is strongly supported by the Fraternal Order of Police.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 16,000 law enforcement officers killed in the line of duty. A total of 1,789 law enforcement officers died in the line of duty over the last decade, an average of 180 deaths per year. In 2001 alone, there were 232 police deaths, representing a 49 percent increase from the 156 officers who died in 2000. Roughly 5 percent of officers who die are killed taking law enforcement action while in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted each year, resulting in some 21,000 injuries.

Until last year, violent crime in this country had declined each of the preceding 8 years. Indeed, it had fallen by 40 percent from a high of 4 million violent crimes in 1993. This dramatic decline, though, has come at a heavy price. Community policing and the outstanding work of so many law enforcement officers were vital keys in our crime control efforts. Unfortunately, last year the downward trend in violent crime did not continue and violent crime turned upward.

The Law Enforcement Officers Safety Act of 2002 is designed to protect officers and their families from vindictive criminals and to allow thousands of equipped, trained and certified law enforcement officers, whether on- or off-duty or retired, to carry concealed firearms in most situations, thus enabling them to respond immediately to a crime. Many members of the law

enforcement community feel that such national legislation is necessary due to the patchwork of conceal-carry laws in State and local jurisdictions.

I submit for the record letters of support for S. 2480 from a variety of Vermont law enforcement officials, including Chief Osburn Glidden of Williston, and Officer Wade Johnson of Hinesburg. I also state for the record that I have received calls of support for this measure from Chief Trevor Whipple of Barre, and Captain Robert Hawke, the President of the Vermont Police Association. I also submit for the record a statement endorsing this legislation from the National Organization of Police Organizations, and the International Brotherhood of Police Officers.

Off-duty and retired officers should be permitted to carry their firearms across State and other jurisdictional lines, at no cost to taxpayers, in order better to serve and protect our communities. Our bill would permit qualified law enforcement officers and qualified retired law enforcement officers across the nation to carry concealed firearms in most situations. It also preserves, however, any State law that permits citizens from restricting a concealed firearm on private property and preserves any State law that restricts the possession of a firearm on State or local government property.

To qualify for the bill's uniform standards a law enforcement officer must be authorized to use a firearm by the law enforcement agency where he or she works, be in good standing with that agency, and meet any standards established by that agency to regularly qualify to use a firearm.

A qualified retired law enforcement officer under the bill must have retired in good standing, been employed at least five years as a law enforcement officer unless forced to retire due to a service-related injury, have a non-forfeitable right to benefits under the law enforcement agency's retirement plan, and annually complete a State-approved firearms training course.

As a result, our bipartisan legislation maintains the State or local jurisdiction's power to determine whether a law enforcement officer or retired law enforcement officer is qualified in the use of a firearm.

As a former State prosecutor, I know that law enforcement officers are never "off-duty." They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to the peace or to our public safety, law enforcement officers are sworn to answer that call. The Law Enforcement Officers Safety Act enables law enforcement officers across the nation to be armed and prepared when they answer that call, no matter where, when, or in what form it comes.

I look forward to hearing testimony today on this legislation. I want to thank, in particular, my good friend and the President of the Fraternal Order of Police, Steve Young of Ohio, for being with us today. His dedication on this matter has led all of us to focus on this measure that will help make our communities safer and protect those who are sworn to guard and serve the American public. It is my hope that we can consider and pass this legislation without delay to make our communities safer and to better protect law enforcement officers and their families.