

Testimony of

The Honorable Strom Thurmond

July 23, 2002

Mr. Chairman:

Thank you for holding this important hearing today on S. 2480, the Law Enforcement Officers' Safety Act of 2002. This bill, if enacted into law, would provide important public safety benefits by allowing current and former law enforcement officers to carry concealed handguns when traveling outside of their home jurisdictions. Not only would this legislation better enable law enforcement officers to protect the general public when the officers are off-duty and out-of-pocket, but it would also protect the safety of individual officers who heed the call to assist their fellow citizens.

Today's hearing is particularly timely because of the problems facing law enforcement today. We live in a time when terrorists, who reside within our own borders, seek to do us harm. This bill would provide an important tool to the anti-terrorism efforts of our Nation's law enforcement. I commend Chairman Leahy for his work in this area, and I am proud to join as a cosponsor of this common-sense piece of legislation.

The Law Enforcement Officers' Safety Act is critical because many state and local governments have made it unlawful for officers from other jurisdictions to carry concealed weapons, even if the officers are fully qualified to handle firearms. While I am always sensitive to the prerogatives of local governments, these local laws erect substantial barriers to law enforcement officers who offer their professional services during times of emergency. In this particular instance, Congress should not hesitate to act. It is simply unconscionable to expose law enforcement officers to criminal liability if they choose to volunteer their time and services. For example, many officers from New Jersey volunteered in New York City on September 11. It goes without saying that in the hours after the terrorist attacks, no one questioned the New Jersey police officers, who risked their lives to assist people in need, about whether they were in compliance with New York law. This legislation would also protect the lives of law-abiding officers who will inevitably offer help during emergencies. Currently, officers who comply with the laws of other jurisdictions have to do without an essential tool of their profession, potentially placing themselves in great danger. We should not give officers the choice of either providing assistance without the use of a firearm or breaking the law so that they will be prepared to protect others, and themselves, effectively. Additionally, this legislation would apply to retired law enforcement officers. This provision is important because there are numerous retired officers who are perfectly capable of providing effective assistance should an emergency arise. As an illustration, the target retirement age for Federal agents is 50. I think that we can all agree that former officers have many years of productivity after the age of 50. We should encourage retired officers to help people in need, without the worry of violating local laws.

I want to stress that the bill would require a retired agent to meet certain qualifications, including adequate experience during the officer's career and recent firearms training requirements. The bill sets up strict guidelines, so that only qualified people are exempt from local firearms laws. Some detractors of this legislation have argued that it opens up to liability police departments

whose officers carry concealed firearms in other jurisdictions. In my view, this argument is overblown. For example, in the state of Vermont, any person may carry a concealed handgun. There is no indication that Vermont police departments have been burdened by litigation expenses. The state of New Jersey provides another example. Since 1996, the state has allowed retired law enforcement officers to carry concealed handguns. For the last six years, this policy has worked well and has not sparked an increase in litigation. The fact remains that law enforcement officers are professionals, and whether on or off-duty, they will act in accordance with their training.

Nevertheless, I am willing to address this concern by supporting a carefully drawn amendment that would exempt police departments from liability and would ensure that individual police officers are responsible for their own actions. If liability concerns impede the movement of this bill, I hope that we would be able to agree on an amendment that will protect the interests of police departments.

Mr. Chairman, thank you for holding this hearing today on a very important piece of legislation. The Law Enforcement Officers Safety Act of 2002 will significantly enhance the security of American citizens as they go about their everyday lives. It will do so by removing restrictions that deter qualified current and former law enforcement officers from carrying firearms as they travel away from their home jurisdictions. This legislation has the potential to assist our Nation's law enforcement officers, who are public servants of the highest caliber, in their efforts to save lives. It will enable officers to comply with the law and to intervene in situations where law enforcement expertise is needed on a timely basis. I am pleased to support this bill, and I look forward to our discussion today.