

UPDATE ON THE STATUS OF THE IMPLEMENTATION OF HR218

In an October issue of The Blue Note, I gave you information regarding the passage of House Bill 1231, which implements HR218, the "Law Enforcement Officers' Safety Act of 2004," into law in North Carolina. This Federal law authorizes State and local law enforcement officer to carry firearms nationwide so long as the law enforcement officers regularly qualified with the firearm and met certain conditions. Federal law also authorizes retired and active officers to carry concealed firearms nationwide so long as they met the firearms qualification standards for active law enforcement officers and complied with other criteria. HR218 was a major initiative in Congress for the Grand Lodge, Fraternal Order of Police, but upon its passage the states were slow to begin implementing this new law. President Don Penix made implementation of HR218 a top priority for this legislative session and I, along with our Legislative Agent, Jeff Gray, worked to obtain passage of House Bill 1231, "Certain Law Officers/Waive Handgun Permit."

The bill designated the North Carolina Criminal Justice Education & Training Standards Commission as the appropriate State agency in North Carolina to certify retired law enforcement officers to carry a concealed firearm as long as the retired officer met annual firearms re-qualification requirements. The bill became effective December 1, 2007. **However, don't be rushing out to obtain your certification.** The Criminal Justice Education & Training Standards Commission must first adopt administrative rules to implement House Bill 1231. It is in the process of doing so.

The draft of these administrative rules have been approved by a subcommittee of the Commission, which also included a Sheriff representative, and will be presented to the full Commission for approval at its February 2008, meeting. It must then hold a public hearing on these rules. Once the Commission adopts the proposed administrative rules, the rules must go before the Rules Review Commission for approval. These rules will likely not be heard by the Rules Review Commission until May, at the earliest. These administrative rules will likely have an effective date of August, 2008.

Although the law was effective December 1st, quite obviously, the law is not going to be implemented until the administrative rules are approved by the Commission. Once approved, the Commission will begin accepting applications for eligible, retired officers.

I will continue to keep you advised of the status of these administrative rules, including the opportunity to comment on the proposed administrative rules.

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