



CBP Law Enforcement Officers Safety Act (LEOSA) Fact Sheet



Are You Retiring, Retired, Separating, or Separated from U.S. Customs and Border Protection (CBP) as a Law Enforcement Officer (LEO)?

If you are retiring, retired, separating, or separated from CBP as a law enforcement officer, or if you are converting to a non-LEO position, you may be eligible to obtain a CBP LEOSA Photographic Identification.

What is LEOSA?

The Law Enforcement Officers Safety Act of 2004 (LEOSA), as amended and codified at 18 U.S.C. § 926C, exempts a “qualified retired law enforcement officer” carrying a LEOSA photographic identification as required by LEOSA, such as CBP LEOSA Identification or CBP retired/separated LEO credentials, from most state and local laws prohibiting the carriage of concealed firearms¹.

LEOSA defines, “Qualified Retired Law Enforcement Officer,” as LEOs who are retired or separated from CBP or its predecessor agencies, and meet all LEOSA criteria, (see “*What is a Qualified Retired Law Enforcement Officer?*”). “Qualified retired LEOs” also include CBP LEOs who converted to a non-LEO position.

Although LEOSA preempts most state and local laws, it does not supersede or limit the laws of states that:

- Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property such as bars, private clubs, amusement parks, etc.
- Prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park.
- Restrict or limit the number of rounds carried in a firearm magazine.

The above list is not comprehensive of all preempted state laws. Individuals should verify the laws within their state to ensure compliance. Additionally, individuals must obey all federal laws and regulations, including those that restrict carrying concealed firearms in certain federal buildings and lands, as well as those prohibiting the carriage of firearms on commercial aircraft.

To lawfully carry a concealed firearm under LEOSA, qualified CBP LEOs:

- a. Must have their CBP LEOSA Photographic Identification or their retired and separated from service LEO credentials from CBP or its predecessor agencies; **and** their current annual state firearms test certification as required **in their possession at all times when they are carrying a concealed firearm under LEOSA authority.**
- b. Must remain in compliance with all of the other requirements of LEOSA related to suitability as a “qualified retired LEO” who is not “prohibited by federal law from receiving a firearm.”
- c. Understands that the CBP LEOSA Photographic Identification is only for the purpose of identifying qualified LEOs as being a retired or separated from service as a LEO from CBP or its predecessor agency.

¹ “Firearms” as defined by LEOSA excludes machine guns (as defined in section 5845 of the National Firearms Act), destructive devices (as defined in 18 U.S.C. § 921), and firearm silencers (as defined in 18 U.S.C. § 921).

Neither the CBP LEOSA Photographic Identification nor LEOSA:

1. Confer law enforcement status;
2. Confer arrest authority;
3. Authorize a “qualified retired LEO” to engage in any law enforcement activities or investigations;
4. Exempt a “qualified retired LEO” from federal laws or regulations, including those related to firearms carriage aboard commercial aircraft;
5. Limit the laws of any State or local government from prohibiting or restricting the possession of firearms on any state or local government property, installation, building, base, or park; or
6. Preclude private persons or entities from restricting possession of concealed firearms on their property.

What is a Qualified Retired Law Enforcement Officer?

The Department of Homeland Security (DHS) recognizes that the definition of who is a “qualified retired LEO” under LEOSA is separate and distinct from the definition of an LEO under the Civil Service Retirement System or the Federal Employees Retirement System. Consistent with LEOSA at 18 U.S.C. § 926C(c); DHS Directive 257-01, Rev 1, *subsection V.F.*; and the corresponding DHS Instruction 257-01-001, *The Law Enforcement Officers Safety Act Instruction*, a “qualified retired law enforcement officer” is an LEO who:

1. Separated from service in good standing from a public agency as an LEO (see “*Did I Retire or Separate From Service in “Good Standing?”*”);
2. Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, **or** had statutory powers of arrest or apprehension under 10 U.S.C. § 807(b) (article 7(b) of the Uniform Code of Military Justice);
3. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with CBP or its predecessor agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by CBP;
4. During the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active LEOs, as determined by the former agency of the individual or the state in which the individual resides; or, if the state has not established such standards, either a law enforcement agency within the state in which the individual resides or the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty LEOs within that state;
5. Has not been officially found by a qualified medical professional employed by the Agency to be unqualified for reasons relating to mental health. As a result of this finding, the individual will not be issued a CBP LEOSA photographic identification; or has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept a CBP LEOSA Identification;
6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. Is not prohibited by federal law from receiving a firearm.

Who is Ineligible Under LEOSA?

Consistent with the provisions of 18 U.S.C. § 922, *Those Prohibited by Federal Law from Receiving or Possessing a Firearm* include, but are not limited to, any person who:

- a. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- b. Is a fugitive from justice;
- c. Is an unlawful user of or addicted to any controlled substance [as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)];
- d. Has been adjudicated as a mental defective or who has been committed to a mental institution;
- e. Has been discharged from the Armed Forces under dishonorable conditions;
- f. Having been a citizen of the United States, has renounced U.S. citizenship;
- g. Is subject to a court order that:
 1. Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 2. Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - (A) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (B) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- h. Has been convicted in any court of a misdemeanor crime of domestic violence; or
- i. Is under indictment for a crime punishable by imprisonment for a term exceeding one year.

NOTE: “Qualified retired LEOs” who have been issued a CBP LEOSA Photographic Identification / CBP Retired/Separated Credential and either now or at some future time no longer meet one or more of the LEOSA criteria specified under the Law or becomes subject to any one of the prohibitions set forth above, would no longer be covered under LEOSA. Cardholders must immediately notify CBP Office of Professional Responsibility (OPR), Security Management Division (SMD) of this change in status. For assistance with self-reporting, contact CBP at cbp_LEOSA@cbp.dhs.gov.

Did I Retire or Separate From Service in “Good Standing”?

Individuals are deemed to have retired or separated from service in “good standing” unless, at the time of their separation:

- There was a determination made or action initiated to remove, or proposal to remove, the employee from Federal employment;
- The employee’s security clearance was revoked, or a proposal to revoke the clearance had been initiated or issued, based on allegiance to a foreign entity;
- The employee was the subject of a pending psychological fitness for duty evaluation or had been found not fit for duty based on a psychological determination;
- There was an unadjudicated allegation of misconduct against the employee, the investigation of which produced evidence sufficient to support an adverse personnel action (15 or more days suspension or removal);
- The employee left the agency following formal allegations of misconduct and/or unsatisfactory performance, or after being advised they would be removed from the agency; and/or
- The employee was indefinitely suspended from duty with or without pay.

What is a CBP LEOSA Photographic Identification?

In accordance with 18 U.S.C. § 926C(d), a CBP LEOSA Photographic Identification is a:

- a. Separate form of identification that evidences the individual retired or separated as a LEO from CBP or its predecessor agency, and it identifies the person as having been employed as a police officer or law enforcement officer; and
- b. At the time of their retirement, separation or transfer as a LEO from CBP or its predecessor agencies, met the qualifications of LEOSA (see “*What is a Qualified Retired Law Enforcement Officer?*”).

The CBP LEOSA Photographic Identification satisfies only the identification requirements under LEOSA. It does not grant nor provide the bearer law enforcement powers or authorities; it does not grant the bearer any authority to act on CBP’s or the federal government’s behalf; and it does not, by itself, provide the bearer with any authority to carry a firearm. It is the bearer’s responsibility to ensure he/she meets all LEOSA criteria specified under the Law, as amended and DHS Directive 257-01, Rev 1, and is not “Prohibited by Federal Law from Receiving or Possessing a Firearm” (see “*Who is Ineligible Under LEOSA?*”).

Do Retired and Previously Issued Separated From Service CBP Credentials Qualify as LEOSA Identification?

Per DHS Directive 257-01, **RETIREED and SEPARATED FROM SERVICE LEO credentials from CBP or its predecessor agencies continue to satisfy the photographic identification requirements for LEOSA** when the credential contains the required elements identified in DHS Directive, 257-01, Rev 1, *subsection V.H*. Therefore, no separate photographic identification is required, and the application for the CBP LEOSA Photographic Identification is optional. DHS Directive states:

“DHS Components may allow law enforcement officers who are retiring or separating from a law enforcement position in good standing to retain their credentials (containing their photograph, name, signature and position title or other indication that the individual was employed as a law enforcement officer) stamped or perforated, such as with the word “Retired” or “Separated.””

Does the CBP LEOSA Photographic Identification Include Any Reference to the Firearms Testing Certification?

No. Individuals must obtain their annual firearms testing certification issued by the state in which they reside or by a certified firearms instructor that is qualified to conduct a firearms testing certification for active duty LEOs within that state. The firearms testing certification indicates that the individual has, not less than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state or a certified firearms instructor that is qualified to conduct a firearms testing certification for active duty LEOs within that state to have met:

- a. The active duty standards for qualification in firearms training, as established by the state, to carry a firearm of the same type as the concealed firearm; or
- b. If the state has not established such standards, standards set by any law enforcement agency within that state to carry a firearm of the same type as the concealed firearm.

Does CBP Provide Annual Firearms Certification Services (e.g., Training) to Retired/Separated LEOs?

No. CBP cannot perform or assist with annual firearms testing certification for CBP retirees or separated from service LEOs. However, the Federal Law Enforcement Training Center (FLETC), under its authority to provide assistance to state, local, rural, and tribal law enforcement departments through the utilization of FLETC firearms training facilities, may do so as their resources allow.

How Do I Request a CBP LEOSA Photographic Identification?

“Qualified retired LEOs” who wish to obtain a CBP LEOSA Photographic Identification must complete a CBP LEOSA Photographic Identification Application. This application is available online via www.CBP.gov/LEOSA.

Questions

For CBP LEOSA Photographic Identification questions, contact CBP's Office of Professional Responsibility, Security Management Division at cbp_LEOSA@cbp.dhs.gov.