



Questions regarding HB 292 dealing with “Retired Law Enforcement Credentials”

Question: Who are these credentials intended to be issued to?

Answer: The credentials issued pursuant to OCGA 16-11-130(c)(2)(E) and the POST rule provided below are intended for individuals who did not receive retired credentials from their employing agency. It is important to note that this law is not designed for the officer who has truly retired from law enforcement with 20 or 30 years of service because they will have retired credentials. This law provides retired credentials to individuals who have worked in law enforcement for 10 years and cannot obtain retired credentials from their law enforcement agency because they are not truly retired from that agency. They need the retired credentials so that they may carry firearms nationally under 18 U.S. Code § 926C titled “Carrying of concealed firearms by qualified retired law enforcement officers.”

Question: What does the POST rule require to receive retired credentials?

Answer: The POST rule follows the requirements of OCGA 16-11-130(c)(2)(E) and states:

464-3-.12 Requirements for retired law enforcement credentials issued in accordance with OCGA 16-11-130(c)(2)(E).

- (1) A person who is a citizen of this state; and
- (2) Has retired with at least ten years of aggregate service as a law enforcement officer with powers of arrest under the laws of any state of the United States or of the United States; and
- (3) Separated from service in good standing.
 - (a) Good standing shall be defined as not being subject to any suspension or revocation to practice as a law enforcement officer.
 - (b) If the applicant for retired credentials served as an officer in another state(s) or the United States, documentation of good

standing shall be required from the state(s) where the applicant was employed as a law enforcement officer or the United States.

(c) Each applicant shall document eligibility to possess a firearm by providing a copy of a valid Georgia Weapons Carry Permit.

(4) Each applicant must provide, with the application for retired credentials, one photograph that complies with a US Department of State passport photo; and

(5) all documents must be submitted on forms approved by Council.

Question: Why do I need to have a Georgia Concealed Carry permit in order to receive retired credentials pursuant to this rule?

Answer: The original wording, in essence, provides for a National Concealed Carry license since the wording used is identical to 18 U.S. Code § 926C titled “Carrying of concealed firearms by qualified retired law enforcement officers,” which is also known as the Law Enforcement Officer Safety Act.

OCGA § 16-11-129 requires that the probate court judge make certain inquiries to determine the criminal background of an applicant and determine if an applicant has been “hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center with the five years immediately preceding the application” for a concealed carry weapons permit.” There is no similar wording or authorization for POST to make these inquiries. Therefore, POST will require that the applicant have a concealed carry permit to ensure that there are no prohibitions from possessing a firearm.

Additionally, POST envisions circumstances where a former law enforcement officer with 10 years of aggregate service but has not served for many years to be requesting documentation from POST which will allow them to carry a firearm nationwide. In fact, since this bill was signed into law, POST received a request for issuance of this card from an officer that has not served in law enforcement for almost 3 decades. A concealed carry permit will ensure that there are no prohibitions from possessing a firearm.