

# Retired Atlanta Police: Concealed Firearm Laws

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*This information is provided as a reference service to retired Atlanta Police Officers and APFMA members. It is based on 2011 information. This web page SHOULD NOT be interpreted as a duty to carry a firearm, and does not cover all applicable statutes, regulatory requirements, safety standards and responsibilities of firearm possession and use. If in doubt, contact your county district attorney or the Georgia Police Academy for clarification. All links to State of Georgia and other internet sites were active and functioning on 9-27-2011.*

*These views and statements are merely the opinion of the editor and are not the official views of the Atlanta Pension Fund Membership Association, its Board of Directors or its members. LA (September 27, 2011)*

Many retired Atlanta police officers have asked me for the state and federal statutes regarding retired law enforcement officers carrying concealed firearms.

The short answers to most of these questions are:

- If you are in Georgia you are OK.
- If you are in another State you need to check. (see below)
- By meeting all requirements of the "Law Enforcement Officers Safety Act" you can carry a concealed firearm in any of the 50 states, with some restrictions.

In Georgia, and in 23 other states, retired Atlanta Police officers are afforded the right to carry a concealed firearm if they have proper identification. A retired Atlanta Officer can carry a concealed firearm in Georgia if they do one or more of the following:

1. Possess a "Retired Officer credential or ID card" from APD. (For retired APD officers NOT in the Reserve)
2. Maintain current Georgia POST (Peace Officers Standards and Training Council) certification by membership in the Atlanta Police Reserve program.
3. Obtain a concealed weapons license through the probate court of their county of residence.
4. Complete the Georgia Public Safety Training Center training and qualification course and other requirements as specified by the Law Enforcement Officers Safety Act of 2004.

Information is divided into three sections below: Georgia Code, Private Property Rights, Federal Code.

## Georgia Code

### **O.C.G.A. § 16-11-130 Exemptions from Code Sections 16-11-126 through 16-11-127.2**

(a) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any of the following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:

- (4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that is registered or certified by the Georgia Peace Officer Standards and Training Council, or **retired police officer** of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired employee is receiving

benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 **or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system.**

In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or retired law enforcement chief executive, or other law enforcement officer referred to in this subsection shall be authorized to carry a handgun on or off duty anywhere within the state and the provisions of Code Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

(The sections above are excerpts of State of Georgia code. See the entire code for all applicable standards, exemptions, etc.)

To see the entire Georgia Code, section 16-11-126, 16-11-127, and 16-11-130, go to:

<http://www.lexisnexis.com/hottopics/gacode/Default.asp>

## Private Property Rights

Use good judgment and do not attempt to carry a firearm into an airport, government building, nuclear facility, or restricted private property without formal approval. *(For example both the Georgia Aquarium and the CNN Center "behind the scene" tour DO NOT allow firearms. While it may be your right to carry a firearm, it is their right to establish operating rules for private property facilities and deny you access if you are armed.*

*(NOTE: Just because you have a fishing license don't try to bring your rod and reel into the aquarium... "There are no guns, knives, matches, lighters, fishing poles, outside food, beverage or gum allowed inside the Aquarium."* <http://www.georgiaaquarium.org/plan-your-visit/faqs.aspx>

## Federal Code

**HB 218, The Law Enforcement Officers Safety Act**, exempts qualified current and retired law enforcement officers from State laws prohibiting the carrying of concealed handguns.

This is only applicable to retired officers who meet the same state standards for training and qualification as active officers in order to be eligible to carry a firearm.

The State of Georgia Police Academy conducts a one day course that includes both classroom training and revolver and/or semi-auto qualification. The course requires advance registration. This is an excellent program but it is not firearms training class! It is a firearms certification and standards course. If you fail to achieve the minimum standard you will fail the course and NOT receive your certification. You will have the opportunity to register (and pay another fee) to attempt to complete the certification. Practice before you participate.

Many county and local police departments provide this training free to their retired officers.

To learn more about "The Law Enforcement Officers Safety Act of 2004" and the "Law Enforcement Officers' Safety Act Improvements Act" of 2010" see the FOP web pages below:

<http://www.fop.net/legislative/issues/hr218/hr218faq.pdf>

And [http://www.fop.net/publications/journal/Journal2010\\_10.pdf](http://www.fop.net/publications/journal/Journal2010_10.pdf)