

Subpart B. RETIRED LAW ENFORCEMENT OFFICERS IDENTIFICATION AND QUALIFICATION

Chap. 221. RETIRED LAW ENFORCEMENT OFFICERS IDENTIFICATION AND QUALIFICATION CARDS 221.1

CHAPTER 221. RETIRED LAW ENFORCEMENT OFFICERS IDENTIFICATION AND QUALIFICATION CARDS

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Authority

The provisions of this Chapter 221 issued under section 7 of the Retired Law Enforcement Identification Act (53 P. S. § 753.7), unless otherwise noted.

Source

The provisions of this Chapter 221 adopted September 11, 2009, effective September 12, 2009, 39 Pa.B. 5303, unless otherwise noted.

Subchapter A. GENERAL PROVISIONS

Sec. 221.1. Purpose.
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§ 221.1. Purpose.

This chapter provides for the issuance of identification and qualification cards for retired law enforcement officers as provided under section 7 of the act (53 P. S. § 753.7), regarding rules and regulations.

§ 221.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Retired Law Enforcement Identification Act (53 P. S. §§ 753.1—753.9).

Certified law enforcement firearm instructor—An individual who possesses a current police firearms instructor rating from the National Rifle Association, the Pennsylvania State Police, the Municipal Police Officers’ Education and Training Commission, the Deputy Sheriffs’ Education and Training Board, the Federal Bureau of Investigation, the Smith & Wesson Academy, the Philadel-

phia Police Academy or the United States Secret Service or other certification approved by the Municipal Police Officers' Education and Training Commission.

Commission—The Municipal Police Officers' Education and Training Commission.

Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm—The standards established by the public agency from which a law enforcement officer retired or by the Commission for training and qualification to carry a firearm of the same type as the concealed firearm, provided that the Commission does not charge a fee to certified law enforcement firearm instructors and officers for the standards, whether access to the standards is given through the Internet or some other form for publication.

Confirmation number—A unique approval number provided by the Pennsylvania State Police to the sheriff after a check of the applicant's criminal history record, juvenile delinquency record and mental health record.

Identification card—A retired law enforcement officer identification card authorized under section 4 of the act (53 P. S. § 753.4), regarding retired law enforcement identification card.

Qualification card—A valid firearm training and qualification card authorized under section 5 of the act (53 P. S. § 753.5), regarding firearm training and qualification card. When carried with an identification card, a qualification card constitutes a Pennsylvania license to carry a firearm.

Retired law enforcement officer or office—A qualified retired law enforcement officer as defined in 18 U.S.C. § 926C(c) (relating to carrying of concealed firearms by qualified retired law enforcement officers).

Subchapter B. RETIRED LAW ENFORCEMENT OFFICERS IDENTIFICATION CARDS

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221.23. Identification card issuance.
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221.25. Challenge to issuance of identification card.

§ 221.21. Eligibility.

An identification card shall only be issued to an individual who meets the definition of a retired law enforcement officer.

Authority

The provisions of this § 221.21 amended under section 7 of the Retired Law Enforcement Identification Act (53 P. S. § 753.7).

Source

The provisions of this § 221.21 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7550. Immediately preceding text appears at serial pages (363428) and (345105).

§ 221.22. Identification card contents.

- (a) Identification cards must be uniform throughout this Commonwealth and on a form prescribed by the Commission.
- (b) The identification card must contain the following:
 - (1) The caption “Retired Law Enforcement Identification Card.”
 - (2) The photograph of the retired law enforcement officer.
 - (3) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes, and signature of the retired law enforcement officer.
 - (4) The signature of the law enforcement officer issuing the identification card.
 - (5) The name, telephone number and address of the public agency issuing the identification card.
 - (6) The date the identification card was issued.
 - (7) The statement that “this card does not give the retired law enforcement officer any police powers, including any authority to arrest.”
 - (8) The statement that “the retired law enforcement officer must carry both the identification card and qualification card in order to carry a concealed firearm.”

§ 221.23. Identification card issuance.

- (a) A public agency shall provide each retired law enforcement officer with an identification card, within 60 days of the officer’s retirement, provided the officer has paid the requisite fee.
- (b) If a law enforcement officer has retired prior to September 12, 2009, upon request of the retired law enforcement officer, a public agency shall provide the law enforcement officer with an identification card, within 60 days of the officer’s request, provided the officer has paid the required fee.
- (c) A public agency may charge a reasonable fee, not to exceed \$15, for each identification card, or replacement card. The identification card may not be issued until the retired law enforcement officer has paid the fee.

Cross References

This section cited in 37 Pa. Code § 221.31 (relating to eligibility).

§ 221.24. Replacement; error or change in material information.

(a) *Replacement.* If an identification card is lost, stolen, destroyed, mutilated or becomes illegible, the retired law enforcement officer may obtain a replacement identification card upon request to the public agency and payment of the required fee.

(b) *Error or change in information.* If any information on an identification card has changed, or is in error, from the information originally set forth, the retired law enforcement officer shall apply to the public agency, and submit the required fee, for a new identification card within 15 days of the change or discovery of the error. A fee will not be charged if the public agency caused the error to occur.

§ 221.25. Challenge to issuance of identification card.

The Commission will have standing to contest issuance of any identification card subject to the provisions of §§ 203.101—203.103 (relating to notice and hearings).

Subchapter C. QUALIFICATION CARD

Sec.

- 221.31 Eligibility.
- 221.32 Qualification card contents.
- 221.33 Qualification card issuance.
- 221.34 Replacement; error or change in material information.
- 221.35 Challenge to issuance of qualification card.

§ 221.31. Eligibility.

An individual shall be eligible for a qualification card if the individual meets all of the following conditions:

- (1) Resides in this Commonwealth.
- (2) Meets the definition of a retired law enforcement officer.
- (3) Prior to each annual qualification, completes a Pennsylvania Retired Officer Concealed Carry Acknowledgement, on a form prescribed by the Commission, attesting to all of the following, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and meets the following conditions:
 - (i) The applicant intends to fire and carry a revolver, semiautomatic or automatic weapon.
 - (ii) The applicant is a retired law enforcement officer.
 - (iii) The applicant retired or separated in good standing, specifying the public agency, city and state from which the applicant retired or separated.
 - (iv) The applicant did not retire or separate for reasons of mental instability.

(v) The applicant is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(vi) The applicant will not carry a firearm while under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(vii) The applicant is not prohibited by Federal or State law from receiving or possessing a firearm.

(viii) The applicant understands and acknowledges that the definition of a firearm does not include any machine gun, firearms silencer, destructive device or prohibited offensive weapon.

(ix) The applicant understands and acknowledges that the person shall meet the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the applicant's concealed weapon.

(x) The applicant understands and acknowledges that when carrying the concealed weapon, the applicant shall carry Pennsylvania's qualification card, along with the identification card issued under § 221.23 (relating to identification card issuance) or identification issued by another public agency satisfying the requirements of 18 U.S.C. § 926C(d) (relating to carrying of concealed firearms by qualified retired law enforcement officers).

(xi) The applicant understands and acknowledges that the qualification card expires 12 months from the date of issue and it is the applicant's responsibility to reapply if the applicant wants to continue to carry the weapon under the act and this chapter.

(xii) The applicant understands and acknowledges that this authorization applies only to the type of weapon with which the applicant qualified.

(xiii) The applicant understands and acknowledges that Pennsylvania's certification does not give him any right whatsoever to exercise law enforcement authority or take police action under any circumstances.

(xiv) The applicant understands and acknowledges that a background investigation is required and authorizes one to be conducted to determine if the applicant has been convicted of any criminal offenses or has any mental health issues that would disqualify the applicant from possessing a concealed weapon.

(xv) The applicant has not been charged with nor convicted of any felony or misdemeanor in this Commonwealth or any similar offenses under any other State or Federal law that would prohibit the applicant from possessing a firearm.

Authority

The provisions of this § 221.31 amended under section 7 of the Retired Law Enforcement Identification Act (53 P. S. § 753.7).

Source

The provisions of this § 221.31 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7550. Immediately preceding text appears at serial pages (345106) and (345107).

§ 221.32. Qualification card contents.

(a) A qualification card shall be issued to indicate compliance with the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm. The qualification cards must be uniform throughout this Commonwealth and on a form issued by the Commission.

(b) The qualification card must contain the following:

- (1) The caption "Retired Law Enforcement Officer Qualification Card."
- (2) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes and signature of the retired law enforcement officer.
- (3) The date of completion of the most recent firearms training and qualification by the retired law enforcement officer.
- (4) An expiration date 12 months later than the date of completion of the most recent firearms training and qualification by the retired law enforcement officer.
- (5) The name and signature of the certified law enforcement firearms instructor issuing the qualification card.
- (6) The name and signature of a sheriff.
- (7) A confirmation number provided by the sheriff who signed the qualification card.
- (8) A statement that the retired law enforcement officer has a duty to surrender the qualification card when the officer becomes legally ineligible either under Federal or State law to receive, possess, use, manufacture, control, sell or transfer a firearm.

§ 221.33. Qualification card issuance.

(a) A retired law enforcement officer shall produce the identification card issued under § 221.23 (relating to identification card issuance) or identification issued by another public agency satisfying the requirements of 18 U.S.C. § 926C(d) (relating to carrying of concealed firearms by qualified retired law enforcement officers) along with another form of official/governmental identification, which includes a photograph of the officer, to the certified law enforcement firearm instructor prior to participating in firearms training and qualification.

(b) A retired law enforcement officer may not participate in firearms training and qualification if the certified law enforcement firearm instructor determines that the officer presents a safety hazard to himself or others on the range or if the officer is not able to produce the two forms of identification required in subsection (a).

(c) A retired law enforcement officer shall meet the firearms standards established by the public agency from which the law enforcement officer retired or the guidelines established by the Commission to carry a firearm of the same type as the concealed firearm that the officer intends to carry. As part of firearms training, the certified law enforcement firearm instructor shall provide instruction on the use of force by a civilian under 18 Pa.C.S. Chapter 5 (relating to general principles of justification).

(d) The certified law enforcement firearms instructor may issue a qualification card to a retired law enforcement officer who has met the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm.

(e) The certified law enforcement firearm instructor shall obtain the qualification cards, for a fee of \$2 for each card, from the Commission.

(f) For 1 year, the certified law enforcement firearms instructor shall keep a record of each qualification card issued, including the following:

- (1) The name of the retired law enforcement officer to whom the qualification card was issued.
- (2) The make and model of the weapons the retired law enforcement officer qualified on.
- (3) The type of ammunition utilized by the retired law enforcement officer.
- (4) The course of fire completed by the retired law enforcement officer.
- (5) The date of qualification.

(g) Within 30 days of a retired law enforcement officer being issued a qualification card, the certified law enforcement firearm instructor shall provide the Commission with a copy of the record maintained under subsection (f) on a form prescribed by the Commission.

(h) The following apply to sheriffs:

(1) Prior to signing the qualification card, in addition to other requirements in section 5 of the act (53 P. S. § 753.5), the sheriff shall require the retired law enforcement officer to display the identification card and another form of official/governmental identification, which includes a photo of the retired law enforcement officer. The sheriff shall make a photocopy of both forms of identification.

(2) For 1 year, the sheriff shall keep a record of the following:

- (i) Each qualification card signed.
- (ii) The name and address of the retired law enforcement officer appearing on the card.
- (iii) The date the sheriff signed the card.

(3) The sheriff shall confiscate the qualification card from any retired law enforcement officer who is not issued a unique approval number. Confiscated qualification cards shall be returned to the Commission.

(4) The sheriff shall collect the expired qualification card from the retired law enforcement officer and return the card to the Commission.

(5) Within 30 days of signing a qualification card, the sheriff shall provide the Commission with a copy of the record maintained under paragraph (2) on a form prescribed by the Commission.

(i) No public agency shall have any duty to provide firearms training and qualification to retired law enforcement officers or to issue qualification cards.

§ 221.34. Replacement; error or change in material information.

(a) *Replacement.* If a qualification card is lost, stolen, destroyed, mutilated or becomes illegible, the retired law enforcement officer may obtain a replacement qualification card upon request to the certified law enforcement firearm instructor and payment of the required fee.

(b) *Error or change in information.* If any information on a qualification card has changed, or is in error, from the information originally set forth, the retired law enforcement officer shall apply to the certified law enforcement firearm instructor and submit the required fee, for a new qualification card within 15 days of the change or discovery of the error. A fee will not be charged if the certified law enforcement firearm instructor caused the error to occur.

Authority

The provisions of this § 221.34 amended under section 7 of the Retired Law Enforcement Identification Act (53 P. S. § 753.7).

Source

The provisions of this § 221.34 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7550. Immediately preceding text appears at serial page (345110).

§ 221.35. Challenge to issuance of qualification card.

The Commission will have standing to contest issuance of any qualification card subject to §§ 203.101—203.103 (relating to notice and hearings).

Authority

The provisions of this § 221.34 amended under section 7 of the Retired Law Enforcement Identification Act (53 P. S. § 753.7).

Source

The provisions of this § 221.34 amended December 5, 2014, effective December 6, 2014, 44 Pa.B. 7550. Immediately preceding text appears at serial page (345110).

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