

No. 2005-79

AN ACT

HB 1057

Providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Municipal Police Officers' Education and Training Commission.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Retired Law Enforcement Identification Act.

Section 2. Legislative findings.

The General Assembly finds as follows:

(1) On July 22, 2004, the President of the United States signed the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. §§ 926B (relating to carrying of concealed firearms by qualified law enforcement officers) and 926C (relating to carrying of concealed firearms by qualified retired law enforcement officers), which authorized certain current and retired law enforcement officers, if they so choose, to carry a concealed firearm.

(2) Section 3 of the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926C, requires qualified retired law enforcement officers to have photographic identification identifying them as a retired law enforcement officer.

(3) The Law Enforcement Officers Safety Act of 2004 requires retired law enforcement officers to maintain an annual qualification with their firearm and possess either identification or a certificate which indicates such qualification.

(4) Pennsylvania law does not currently provide for photographic identification of retired law enforcement officers.

(5) Pennsylvania law does not currently provide for annual firearms qualification by retired law enforcement officers.

(6) It is in the interests of the Commonwealth to establish uniform identification cards and qualification cards for retired law enforcement officers and a method of conducting annual firearms qualifications for such individuals.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Certified law enforcement firearm instructor.” Any 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 Philadelphia 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 established in 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

“Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm.” The standards established by the law enforcement agency from which an officer retired or by the Municipal Police Officers' Education and Training 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 of publication.

“Identification card.” A retired law enforcement officer identification card authorized under section 4 (relating to retired law enforcement identification card).

“Qualification card.” A valid firearm training and qualification card authorized under section 5 (relating to firearm training and qualification card). When carried with an identification card, a qualification card shall constitute a Pennsylvania license to carry a firearm.

“Retired law enforcement officer” or “officer.” 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).

Section 4. Retired law enforcement identification card.

(a) General rule.—Subject to the payment of the fee, if any, imposed under subsection (c):

(1) A law enforcement agency shall provide each officer, upon retirement, with a retired law enforcement identification card.

(2) At any time after an officer retires, upon request of the officer, a law enforcement agency shall provide the retired law enforcement officer with a retired law enforcement identification card.

(b) Contents.—Identification cards shall be uniform throughout this Commonwealth and on a form prescribed by the commission. The identification card shall bear the following:

(1) The photograph of the retired law enforcement officer.

(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 signature of the law enforcement officer issuing the identification card.

(4) The name, telephone number and address of the law enforcement agency issuing the card.

(5) Any other information designated by the commission.

(c) Fees.—A law enforcement agency may charge a reasonable fee, not to exceed \$15, for each identification card.

Section 5. Firearm training and qualification card.

(a) General rule.—A retired law enforcement officer shall be eligible for a qualification card if the law enforcement officer either:

(1) resides in this Commonwealth; or

(2) retired from a law enforcement agency of this Commonwealth or any political subdivision thereof.

(b) Contents.—Qualification cards 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 shall be uniform throughout this Commonwealth and on a form prescribed by the commission. The qualification card shall bear the following:

(1) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes and signature of the retired law enforcement officer.

(2) The date of completion of the most recent firearms training and qualification by the retired law enforcement officer.

(3) An expiration date 12 months later than the date of completion under paragraph (2).

(4) The name and signature of the certified law enforcement firearms instructor issuing the qualification card.

(5) The name and signature of a sheriff.

(6) A confirmation number provided by the sheriff who signed the qualification card.

(7) A brief description of the duty to surrender a qualification card pursuant to section 6, including a space for the mailing address designated by the sheriff. The sheriff shall add the mailing address in the space provided.

(8) Any other information designated by the commission.

Qualification cards shall not contain a photograph of the retired law enforcement officer.

(c) Issuing authorization.—Any 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.

(d) Confirmation number.—A qualification card shall not be valid without a confirmation number. A confirmation number shall be a unique approval number provided by the Pennsylvania State Police to the sheriff. For the purposes of obtaining a unique approval number, a sheriff shall request a criminal history record, juvenile delinquency record and mental health check of the officer from the Pennsylvania State Police each time a new qualification number is requested. For each request, the sheriff shall

collect a fee equivalent to the cost of providing the service but not to exceed \$5 per request. The fees collected shall be transmitted to the Pennsylvania State Police within 14 days of collection. The sheriff shall keep a copy of the unique approval number.

(e) Blank qualification cards.—The commission shall make available blank qualification cards for use by certified law enforcement firearms instructors and may charge a reasonable fee, not to exceed \$2, for each blank qualification card.

(f) Immunity.—A sheriff who complies in good faith with this section shall be immune from liability resulting or arising from the action or misconduct with a firearm committed by an officer who has been provided a confirmation number from the sheriff.

(g) Definition.—For the purposes of this section, the term “sheriff” shall mean:

- (1) the sheriff of a county; or
- (2) in a city of the first class, the chief or head of the police department.

Section 6. Return of qualification card.

(a) Duty to surrender.—

(1) If a retired law enforcement officer becomes legally ineligible to receive, possess, use, manufacture, control, sell or transfer a firearm, the individual shall surrender his qualification card within five days to the sheriff who provided the confirmation number under section 5.

(2) A qualification card shall be deemed timely mailed if it is sent by certified mail and postmarked within the five-day period.

(3) The sheriff shall designate one address for the receipt of surrendered qualification cards by mail.

(4) Within ten days of the surrender of a qualification card, the sheriff shall notify the Pennsylvania State Police by electronic mail or facsimile of the identity of the officer who has surrendered the qualification card.

(b) Violation.—An individual who knowingly and intentionally fails to surrender his qualification card as provided in subsection (a) commits an offense.

(c) Grading.—An offense under subsection (b) constitutes a summary offense.

Section 7. Rules and regulations.

The commission shall, in the manner provided by law, promulgate the rules and regulations necessary to carry out the provisions of this act.

Section 8. Public records.

Information provided or maintained pursuant to this act shall be confidential and shall not be deemed a public record subject to disclosure under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

Section 9. Construction.

Nothing in this act shall be construed to abrogate either the sovereign immunity or governmental immunity of a law enforcement agency pursuant to 42 Pa.C.S. Ch. 85 (relating to matters affecting government units). A retired law enforcement officer shall not be considered an employee of any law enforcement agency in this Commonwealth.

Section 10. Effective date.

This act shall take effect in 60 days.

APPROVED—The 13th day of December, A.D. 2005.

EDWARD G. RENDELL