

Survey to Chief APOs

Issue: HR 218 LEOSA

Question (from Susquehanna County)

Does your respective county provide your retiring PO's a "retired law enforcement" ID card for LEOSA purposes? if so, could you share how that is handled in your county? Does your commissioners office provide that, or your department.

We have a commissioner here who believes PO's are not law enforcement officers and do not qualify for HR 218.

Allegheny County

Adult Probation has a retired officer LEOSA policy. To be eligible the PO had to be authorized and qualified to carry a duty firearm when employed. Upon retirement the PO can request the director to issue them a retired law enforcement officer ID card in compliance with 37 Pa C.S. 221.22. There is a \$15 fee to cover the administrative costs. The Sheriff's Office is then responsible for vetting and proof of qualification/training etc.

Carbon County

Carbon does not do this. I would imagine, we would have push back if we tried.

Dauphin County

Attached are the forms (see addendum) that are used for our retired officers to obtain their retirement cards. I have also attached the summary of LEOSA requirement. We have powers of arrest and incarceration which is covered in LEOSA. Scott Cvek is easy to work with for officers to obtain their retired status cards. Once they have that, they must requalify with their weapon annually. There is a list of instructors on the LEOSA website that are able to conduct that range examination.

Indiana County

We currently had a long-time officer retire that was issued his LEOSA card. It was handled through our sheriff's department. I am unaware if our commissioners had anything to sign off on.

Lancaster County

We provide a "Retired" badge if the officer requests. On the badge, we replace "Deputy Chief" with "Retired".

Lebanon County

I have always understood Probation qualifies under LEOSA. With that being said, we have never had a retired officer request a card that I am aware of, so I do not have any direction the process.

Lebanon has also issued the badge to at least two officers that I am aware of.

Northumberland County

I am not sure how your commissioners are reading the bill but we clearly do fall under it. In Northumberland County we only have one retired officer that has requested and the County has provided him with a retired Officer ID picture card on my say so. I also have two of my firearms instructors also certified to get them their requalify LEOSA card and they do a handful of those a year including some COs and retired PSP guys. Personally, I think a retired Badge would also be beneficial to have in their possession and if any of my folks are willing to pay for one prior to retirement I would sign off on it. Let me know if I can be of further assistance.

Somerset County

(See addendum)

Westmoreland County

Retired officers may obtain a "retired law enforcement" ID card upon applying for the card and with the approval of the Chief Probation Officer. The retired officer may receive the card, upon meeting all statutory and training requirements, to carry a firearm as a retired officer. (See addendum)

York County

In York, I sign off on the LEOSA paperwork. I don't see that the county commissioners have any say in what the Courts do regarding LEOSA. This legislation covers "peace officers," which includes probation.



LEOSA / MPOETC ID Card Guidelines

- 1) Make one copy of the Info Page and Signature page. (If you do not have a signature of the OIC or Chief, call me.
- 2) Complete both forms and return them to me via email, if possible.
- 3) We will need a photo of the Retired Officer.
When sending the photo, please attach a name and save them in a jpeg or bitmap format. Call me with any questions about this.
- 4) Email is the fastest and most efficient way to process the ID.
- 5) Once I receive the information from you, the card(s) will be shipped to you within five business days(Most times within 1-2 days).
- 6) You will be billed for each card at the rate of **\$15.00** for each Special Laminated Card. The Special Laminated Card will have more durability and a longer life than typical ID cards.
- 7) We accept Visa, MC, Discover, AMEX, checks and money orders for payment and you can now pay online at our web-site.
- 10) **Keep in mind that ID Answers also provides Custom ID Cards for your department.**

If you ever have any questions, concerns or feedback, please let me know.

Thank you for allowing ID Answers to support your efforts.

NEW * Website *** NEW *** EMAIL *****

Scott Cvek 686 Westbrooke Drive Elizabethtown, PA 17022 717-723-0846
www.idanswersolutions.com **“scvek.id.answers@comcast.net”**

RETIRED LAW ENFORCEMENT IDENTIFICATION CARD

Please complete the following information as accurately and legibly as possible.

Form Date: Mar2022

Pricing: Each Holographic Laminated Card is **\$15.00 each**

If you should have any questions, please call me at 717-723-0846 or "scvek.id.answers@comcast.net"

OFFICER INFORMATION	
Full Name	
Street Address	
City, State, Zip Code	
Phone Number (Will not be on card)	
Date of Birth	
Sex (M or F)	
Hair Color	
Eye Color	
Height	
Weight	
Race	
Issuing Agency Information	
Chief of Police or Acting Head of Agency Name	
Official Department Name	
Address	
City, State, Zip Code	
Phone #	

After completing both forms, return them along with the photo in one of the following ways.

(Preferred Method) 1) Email them to "scvek.id.answers@comcast.net"

2) Send both forms along with a photo of yourself in the US Mail to:

ID CARD PRICING
Special Laminate Pricing = \$15.00 per card

Pay by Visa, MC, Discover, AMEX, check
 Pay Online, call me, or send a check

ID Answers
 686 Westbrooke Drive
 Elizabethtown, PA 17022

MPOETC Retired Law Enforcement ID Card

Signature Card Form

Dated Mar2022



The Clearer you Sign within the Box Below,
The Better it will look on the ID.

Please Keep Your COMPLETE Signature Within the Box Below

Retired Officer Signature



If mailing a copy of the form, please fold on the above line.

Please Keep Your COMPLETE Signature Within the Box Below

Officer In Charge Signature



ID Card Pricing
\$15.00 per card

**Please call us
with any comments,
questions or concerns.**

After completing this form and the Information form,
return them along with a photo in one of the following ways.

- 1) Email them to "scvek.id.answers@comcast.net"
- 2) Send them in the U.S. mail to:

ID Answers
686 Westbrooke Drive
Elizabethtown, PA 17022

Payment can be made at any time by check, Visa, MC, AMEX
You can also pay online at the web-site address below.

Thank You for your service and Thank You for allowing us to support your efforts.



Scott Cvek
717-723-0846

www.idanswersolutions.com

scvek.id.answers@comcast.net

H. R. 218

One Hundred Eighth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the twentieth day of January, two thousand and four*

An Act

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Officers Safety Act of 2004”.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

“§ 926B. Carrying of concealed firearms by qualified law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is 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, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency;

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

“(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) any destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, 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, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

“(5) during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;

“(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.

“(d) The identification required by this subsection is—

“(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

“(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

“(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) a destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

RETIRED/FORMER SOMERSET COUNTY PROBATION & PAROLE OFFICER LEOSA PHOTOGRAPHIC IDENTIFICATION CARD APPLICATION

PART I: PRIVACY ACT STATEMENT

This Privacy Act Statement serves to inform you of how the Somerset County Probation & Parole (SCP&P) uses the personally identifiable information (PH) on this form.

AUTHORITY: SCP&P is authorized to collect and maintain the information on this form pursuant to Title 18, United States Code § 926C, "Carrying of Concealed Firearms by Qualified Retired Law Enforcement Officers" (Law Enforcement Officers Safety Act of 2004 (LEOSA), as amended).

PURPOSE: SCP&P uses the information on this LEOSA photographic identification card application to determine if an applicant meets the statutory criteria for issuance of a LEOSA photographic identification card. This Application is to be completed by qualified retiring, retired, separating, or separated law enforcement officers from SCP&P.

ROUTINE USES: SCP&P uses the information you submit on this form to adjudicate your request for an SCP&P-issued LEOSA photographic identification card.

DISCLOSURE: Providing this information is voluntary. Failure to provide the information requested on this application may result in delays in considering the application or the application's denial.

PART II: LEOSA PHOTOGRAPHIC IDENTIFICATION CARD APPLICATION NOTICE

Upon retirement/separation from employment from SCP&P, the individual must be considered to be leaving in good standing. *Good Standing* is defined in the Resignation/Termination of Service section of the Somerset County Probation and Parole Policy and Procedure Manual.

SCP&P will not reimburse the applicant for an)' expenses incurred as a result of submitting this application.

How Do I Submit My Application?

Completed application packages may also be submitted to:

Somerset County Probation and Parole
Attn: Chief Probation Officer
300 N. Center Ave., Suite 100
Somerset, PA 15501

Incomplete application packages will not be processed.

In order for the Somerset County Probation and Parole to process your LEOSA photographic identification card application, the following information is required:

1. Applicant's Full Legal Name
2. Applicant's Telephone Number
3. Applicant's Email Address
4. Applicant's Residential Address
5. Applicant's Date of Birth
6. Copy of Applicant's Driver's License or other Government Identification (with photograph)

Replacement for Lost or Stolen LEOSA Photographic Identification Cards

Obtaining a new LEOSA photographic identification card requires submission and review of a new LEOSA photographic identification card application package, containing current applicant information and supporting materials.

If a prior LEOSA photographic identification card is lost or stolen, report the card missing to SCP&P and indicate on any subsequent LEOSA photographic identification card application that the application is for a replacement card. Under 37 PA. Code § Section 221.23, the SCP&P may charge a reasonable fee, not to exceed \$15.00 for each identification card or replacement card.

PART III: LEOSA PHOTOGRAPHIC IDENTIFICATION CARD APPLICATION INSTRUCTIONS

Please check the applicable boxes:

Application for new card

Application for replacement card

Retiring or separating law enforcement officer currently employed by SCP&P

Show proof of the following:

- Signed, initialized, and witnessed SCP&P LEOSA Photographic Identification Card Application;
- Documentation evidencing an aggregate of 10 or more years of law enforcement officer service;
 - If aggregate service includes time with another law enforcement agency, you must also submit documentation of employment and good standing from that agency;
- Copy of driver's license or other Government identification (with photograph).

Retired or separated law enforcement officer Submit the following:

- Signed, initialized, and witnessed SCP&P LEOSA Photographic Identification Card Application;
- Documentation evidencing an aggregate of 10 or more years of law enforcement officer service;
 - If aggregate service includes time with another law enforcement agency, you must also submit documentation of employment and good standing from that agency;
- Copy of driver's license or other Government identification (with photo).

PART IV: APPLICANT PERSONAL INFORMATION

Full Name (Last, First, Middle Initial): _____

Date of Birth: _____

Residential Address (Street Address, City, State, Zip Code): _____

Phone Number(s) (home and cell): _____

Email Address: _____

Mailing Address (if different from residential address above; no P.O. Boxes): _____

Law Enforcement Service History (Reverse Chronological Order)

1. Name of Agency: _____

Job Title: _____

Start Date: _____

End Date: _____

Reason for leaving (retirement, separation/resignation, termination): _____

Comments: _____

PART V: SELF ATTESTATION

By initialing each item below and signing the attestation, the applicant acknowledges his/her understanding of, and agreement with, all statements, terms, conditions, and requirements included herein:

1. I am submitting this application for a LEOSA photographic identification card identifying me as a qualified retired law enforcement officer who retired or separated from SCP&P in good standing _____

2. I understand that any cost incurred as a result of applying for a LEOSA photographic identification card, including the cost of obtaining an annual State firearms testing certification, is the sole responsibility of the applicant, and SCP&P will not reimburse the applicant for any costs associated with this application.
3. I have read and fully understand 18 U.S.C. § 926C, "Carrying of Concealed Firearms by Qualified Retired Law Enforcement Officers" (Law Enforcement Officer Safety Act of 2004 (LEOSA), as amended) and Act 79 of 2005, "Retired Law Enforcement Identification Act" of Pennsylvania _____
4. I meet the following requirements set out in LEOSA, 18 U.S.C. § 926C, of a "qualified retired law enforcement officer" in that I:
 - a. Before such retirement or separation from SCP&P 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 and had statutory powers of arrest; _____
 - b. Before such retirement or separation from SCP&P was regularly employed as a law enforcement officer for an aggregate total of 10 years or more; _____
 - c. Alternatively, I retired or separated (or am about to retire or separate) from service with SCP&P, after completing any applicable probationary period due to a service-connected disability (as determined by the State Department); _____
 - d. During the most recent 12-month period, have met, at my expense, the standards for qualification in firearms training for active law enforcement officers, as determined by SCP&P, my State of residence, or, if my State has not established such standards, either a law enforcement agency within my State of residence or the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers within my State; _____
 - e. Have not been officially found, by a qualified medical professional, to be unqualified for reasons relating to mental health and have not entered into an agreement with the SCP&P in which I acknowledged I am not qualified for reasons relating to mental health; _____
 - f. Am not under the influence of alcohol or another intoxicating or hallucinatory drug or substance and will not possess a firearm under the influence of any such substance; _____
 - g. Am not prohibited by Federal law (18 U.S.C. § 922) or Pennsylvania Law (18 P.a. C.S. Section § 6105) from receiving or possessing a firearm; and _____
 - h. At the time of my retirement or separation, was deemed to be in "good standing" under the provisions of the Resignation/Termination of Service section of the Somerset County Probation & Parole Policy & Procedure Manual. _____

5. I authorize the SCP&P to review my personnel records, external records, and/or any internal agency reports of investigation or management inquiries that may affect my fitness to carry a firearm. _____
6. I authorize SCP&P to release information in its possession (to the extent it is relevant to my fitness to carry a firearm) in the event that additional information is requested of it, regarding my fitness to carry a firearm, by the entity or person certifying my firearms qualification.

7. By initialing this paragraph, I waive all Privacy Act and other legal rights and remedies against the disclosure described in Part V, Number 6, and indemnify SCP&P and hold it harmless against any liability for such release. _____
8. I understand that SCP&P will not conduct or assist with any annual firearms testing for retirees or separated employees. I understand that LEOSA requires me to obtain a certification issued by the State in which I reside indicating that I meet State training and qualification standards for active law enforcement officers to carry a firearm. I understand I must annually complete this certification within the one year prior to the date I am carrying a firearm. The availability of such certifications varies by State, and it is my responsibility to determine and meet the requirements of my State of residence for obtaining this certification.

9. I understand that I must have my SCP&P-issued LEOSA photographic identification card identifying me as a retired or separated law enforcement officer AND my up-to-date annual State firearms testing certification on my person at all times when I carry a concealed firearm under the authority of LEOSA. **Possession of my SCP&P-issued LEOSA photographic identification card alone does not authorize me to carry a concealed firearm.** _____
10. I understand that, in order to carry a concealed firearm under the authority of LEOSA, it is my responsibility to ensure that I am in continuing compliance with all LEOSA requirements. If at any time I no longer meet any one of LEOSA's requirements, or become subject to a Federal law prohibition on carrying a firearm or (18 P.a. C.S. § Section 6105). I must notify SCP&P and the certifying entity in my State of residence, and I will no longer be eligible to carry a concealed firearm under the authority of LEOSA. _____
11. I understand that the LEOSA photographic identification card is ONLY for the purpose of identifying me as a retired or separated law enforcement officer. _____
12. Neither the SCP&P-issued LEOSA photographic identification card nor LEOSA confer law enforcement status or arrest authority. I understand that carrying a SCP&P-issued LEOSA photographic identification card does not authorize me to engage in any law enforcement activities or investigations. _____

13. I understand that, upon my retirement/separation, I am no longer a law enforcement officer with SCP&P. As such, SCP&P will not represent or reimburse me in any suit or claim related to my carrying a concealed firearm under LEOSA authority. _____
14. In consideration for the issuance of a LEOSA photographic identification card, I agree to indemnify and hold the Commonwealth of Pennsylvania, Administrative Office of Pennsylvania Courts, County of Somerset, 16th Judicial District and/or SCP&P and their officers and employees harmless from any and all claims and liability arising out of my use of or possession of a firearm carried under LEOSA authority. In addition, I, and my heirs, executors, or administrators, release and forever discharge the Commonwealth of Pennsylvania, Administrative Office of Pennsylvania Courts, County of Somerset, 16th Judicial District and/or SCP&P, and their officers and employees from any and all claims, demands, or causes of action related to my use or possession of a firearm or SCP&P's issuance of a LEOSA photographic identification card. _____
15. I understand that, with certain limitations and conditions, LEOSA exempts qualified retired and separated law enforcement officers from most State and local laws that prohibit the carriage of concealed firearms. However, I also understand that LEOSA does not supersede or limit State laws that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property and that LEOSA does not limit State laws that prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park. _____
16. I understand that LEOSA does not exempt qualified retired or separated law enforcement offices from Federal laws or regulations, including any restrictions on carrying firearms on transportation systems, including commercial airlines. I understand that possession of my SCP&P-issued LEOSA photographic identification card and up-to-date annual State firearms testing certification does not authorize me to carry a concealed firearm in the cabin of a commercial aircraft. _____
17. I understand that LEOSA does not exempt qualified retired or separated law enforcement officers from certain state or local laws or regulations, including any restrictions on a firearm's magazine capacity or some types of ammunition. I understand that possession of certain firearms, ammunition, magazines, or accessories may subject me to prosecution and SCP&P has no obligation to defend me. _____
18. I understand that the issuance of a LEOSA photographic identification card is within the discretion of SCP&P and is dependent on SCP&P's determination that I am a qualified retired law enforcement officer as defined by law. Any photographic identification card issued by SCP&P is the property of SCP&P. Loss of the identification must be immediately reported to SCP&P. Alteration, reproduction, or copying of the identification is prohibited. The identification must be surrendered upon request. Misuse or failure to comply with any terms or requirements set out in this document may result in revocation of the identification. Submitting false or misleading information with this application may result in denial of the application or revocation of a previously issued identification card and referral of that information to the appropriate law enforcement agency. _____

13. I understand that, upon my retirement/separation, I am no longer a law enforcement officer with SCP&P. As such, SCP&P will not represent or reimburse me in any suit or claim related to my carrying a concealed firearm under LEOSA authority. _____
14. In consideration for the issuance of a LEOSA photographic identification card, I agree to indemnify and hold the Commonwealth of Pennsylvania, Administrative Office of Pennsylvania Courts, County of Somerset, 16th Judicial District and/or SCP&P and their officers and employees harmless from any and all claims and liability arising out of my use of or possession of a firearm carried under LEOSA authority. In addition, I, and my heirs, executors, or administrators, release and forever discharge the Commonwealth of Pennsylvania, Administrative Office of Pennsylvania Courts, County of Somerset, 16th Judicial District and/or SCP&P, and their officers and employees from any and all claims, demands, or causes of action related to my use or possession of a firearm or SCP&P's issuance of a LEOSA photographic identification card. _____
15. I understand that, with certain limitations and conditions, LEOSA exempts qualified retired and separated law enforcement officers from most State and local laws that prohibit the carriage of concealed firearms. However, I also understand that LEOSA does not supersede or limit State laws that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property and that LEOSA does not limit State laws that prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park. _____
16. I understand that LEOSA does not exempt qualified retired or separated law enforcement officers from Federal laws or regulations, including any restrictions on carrying firearms on transportation systems, including commercial airlines. I understand that possession of my SCP&P-issued LEOSA photographic identification card and up-to-date annual State firearms testing certification does not authorize me to carry a concealed firearm in the cabin of a commercial aircraft. _____
17. I understand that LEOSA does not exempt qualified retired or separated law enforcement officers from certain state or local laws or regulations, including any restrictions on a firearm's magazine capacity or some types of ammunition. I understand that possession of certain firearms, ammunition, magazines, or accessories may subject me to prosecution and SCP&P has no obligation to defend me. _____
18. I understand that the issuance of a LEOSA photographic identification card is within the discretion of SCP&P and is dependent on SCP&P's determination that I am a qualified retired law enforcement officer as defined by law. Any photographic identification card issued by SCP&P is the property of SCP&P. Loss of the identification must be immediately reported to SCP&P. Alteration, reproduction, or copying of the identification is prohibited. The identification must be surrendered upon request. Misuse or failure to comply with any terms or requirements set out in this document may result in revocation of the identification. Submitting false or misleading information with this application may result in denial of the application or revocation of a previously issued identification card and referral of that information to the appropriate law enforcement agency. _____

19. I was not removed from SCP&P, I did not resign or retire from law enforcement service after being told that I would be fired, I did not leave law enforcement service by mutual agreement because of specific problems, and I was not prohibited from employment by the County of Somerset, 16th Judicial District and/or SCP&P or any other agency _____
20. I am not under indictment or charges for any violation of law. _____
21. I have not been convicted of any crime, nor been subject to any court order, regarding domestic violence, as outlined in 8 U.S.C. §§ 922(g)(8) and 922(g)(9). _____

PART VI: APPLICANT ACKNOWLEDGEMENT

I, _____ (applicant's full name), confirm my understanding of, and agreement with, the statements and requirements included above. All of the information I have included in this SCP&P LEOSA photographic identification card application is accurate to the best of my knowledge.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above (applicant) and I understand any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. § 552a(i)(3) by a fine of not more than \$5,000.

Signature

Date

PART VII: WITNESS SIGNATURE

Witness signature must be the current SCP&P Chief PO, or designee.

The above named applicant, _____, appeared before me in person on _____ and signed this Application in my presence, and I verified his/her identity via a government issued photographic identification.

Witness Signature

Date

Witness Printed Name

Title



**WESTMORELAND COUNTY
ADULT PROBATION AND PAROLE**

SUBJECT: Retired Law Enforcement Officers Identification and Firearms Qualification Policy

PURPOSE

To set forth policy and procedures for the issuance of identification and firearms qualification cards for retired Westmoreland County Adult Probation and Parole Officers in accordance with Act 79 of 2005 – The Retired Law Enforcement Identification Act.

POLICY

Westmoreland County Adult Probation and Parole Officers who are retired from the Adult Probation and Parole Department may be eligible to obtain retired law enforcement identification and continued firearm qualification on an annual basis. In order for a retired Adult Probation and Parole Officer to be eligible for identification and firearms qualification, the officer must be within one year of his/her most recent qualification, must meet the definition of "qualified retired law enforcement officer" and must meet all other requirements of The Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C), Pennsylvania Act 79 of 2005 – the Retired Law Enforcement Identification Act, and Title 37, Chapter 221 of the Pennsylvania Code (see attachments). Retired officers who were authorized to carry a firearm on duty at the time of their retirement and meet the definition of a "qualified retired law enforcement officer" will be eligible to obtain continued firearm qualification on an annual basis.

NOTE: Identification cards are not issued individually to officers who are not firearms qualified. The identification cards are only issued in conjunction with and as a result of the requirements of the qualification cards.

PROCEDURES

IDENTIFICATION CARD

Westmoreland County Adult Probation and Parole Officers who are retired from the Adult Probation and Parole Department may apply for a retired law enforcement identification card by completing an application for retired law enforcement identification (see attachment). The completed application will be submitted to the Director of the Westmoreland County Adult Probation and Parole Department for review. Approved applicants will receive a copy of the approved application and will be provided with a Retired Law Enforcement Identification Card Request Form (see attached).

The applicant must submit the completed request form to the Director of the Adult Probation and Parole Department and a check or money order payable to Westmoreland County in the amount of \$15.00. The Director of the Adult Probation and Parole Department will schedule an appointment with Human Resources for the applicant to complete the identification card processing. The Director will also provide Human Resources with a copy of the applicant's Identification Card Request Form and will submit the applicant's \$15.00 check or money order. Human Resources staff, in accordance with the requirements contained in 37 Pa. Code § 221.22, will prepare the identification card. Human Resources staff will then submit the completed identification card to the Director of the Adult Probation and Parole Department.

Applicants who are not approved for a retired law enforcement identification card because they do not meet the definition of "retired law enforcement officer," will receive a letter stating the reason for the denial. The Director of the Adult Probation and Parole Department will retain a copy of that letter on file.

Pursuant to 37 Pa. Code § 221.24, if an identification card is lost, stolen, destroyed, mutilated, becomes illegible or if there is a need to change the information on the identification card, a replacement identification card may be issued. The retired law enforcement officer will submit the Identification Card Request Form to the Director of the Adult Probation and Parole Department. The retired law enforcement officer will be required to pay the associated fee of \$15.00 to Westmoreland County.

QUALIFICATION CARD

Retired Adult Probation and Parole Officers who have completed the process for obtaining a retired law enforcement identification card and meet the eligibility requirements contained in 37 Pa. Code § 221.31 may request a qualification card from the Director of the Adult Probation and Parole Department. Qualification cards must be renewed annually.

Upon the request for the qualification card, the Director of the Adult Probation and Parole Department will contact one of the department's firearms instructors. That instructor will then be responsible for scheduling a qualification date. The Director will provide the firearms instructor with a qualification card containing the retired law enforcement officer's name and identifiers. The firearms instructor will notify the retired Adult Probation and Parole Officer of the scheduled qualification date and time. Pursuant to 18 Pa. C.S. Chapter 5, prior to qualification, the firearms instructor will provide instruction on the use of force by a civilian (see attached). Once the retired Adult Probation and Parole Officer successfully completes qualification requirements, he/she would be eligible to receive a qualification card. The qualification cards must meet the specifications as listed in 37 Pa. Code § 221.32. The firearms instructor will complete the information on the qualification card and submit to the Director of the Adult Probation and Parole Department. The Director will review the information on the qualification card and submit that card, along with the identification card and retired officer's badge, to the retired Adult Probation and Parole Officer.

The retired Adult Probation and Parole Officer must also complete the Pennsylvania Retired Officer Concealed Carry Acknowledgement Form (see attached) and submit to a firearms instructor. The firearms instructor will complete the appropriate section on the form and submit to the Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission. The firearms instructor will provide a copy of that acknowledgement form to the Director of the Adult Probation and Parole Department. The Director will keep a copy of that form on file.

The retired law enforcement officer will then be required to submit the following to the Sheriff's Department:

- a completed and signed qualification card
- a copy of the front and back of the qualification card
- a copy of the front and back of the identification card
- a copy of his/her driver's license
- a money order or cashier's check in the amount of \$5.00 payable to the Commonwealth of Pennsylvania

The Sheriff's Department is then responsible for conducting a background check and assigning a certification number to be listed on the qualification card. If approved, the Sheriff will sign the card and mail the qualification card to the retired law enforcement officer.

The above listed process for qualification occurs annually. It is the responsibility of the retired law enforcement officer to contact the Director of the Adult Probation and Parole Department each year at least six weeks prior to his/her qualification date in order to schedule the qualification date and time and complete the qualification process.

shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: *Provided*, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

(Added Pub. L. 99-360, §1(a), July 8, 1986, 100 Stat. 766.)

PRIOR PROVISIONS

A prior section 926A, added Pub. L. 99-308, §107(a), May 19, 1986, 100 Stat. 460, provided that any person not prohibited by this chapter from transporting, shipping, or receiving a firearm be entitled to transport an unloaded, not readily accessible firearm in interstate commerce notwithstanding any provision of any legislation enacted, or rule or regulation prescribed by any State or political subdivision thereof, prior to repeal by Pub. L. 99-360, §1(a).

EFFECTIVE DATE

Section effective on date on which Firearms Owners' Protection Act, Pub. L. 99-308, became effective, see section 2 of Pub. L. 99-360, set out as an Effective Date of 1986 Amendments note under section 921 of this title.

§ 926B. Carrying of concealed firearms by qualified law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term "qualified law enforcement officer" means an employee of a governmental agency who—

(1) is 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, and has statutory powers of arrest;

(2) is authorized by the agency to carry a firearm;

(3) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;

(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(6) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

(e) As used in this section, the term "firearm"—

(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(3) does not include—

(A) any machinegun (as defined in section 5845 of the National Firearms Act);

(B) any firearm silencer (as defined in section 921 of this title); and

(C) any destructive device (as defined in section 921 of this title).

(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is 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, and has statutory powers of arrest.

(Added Pub. L. 108-277, §2(a), July 22, 2004, 118 Stat. 865; amended Pub. L. 111-272, §2(a), (b), Oct. 12, 2010, 124 Stat. 2855.)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of the Act is classified to section 5845 of Title 26.

AMENDMENTS

2010—Subsec. (c)(3). Pub. L. 111-272, §2(a)(1), inserted "which could result in suspension or loss of police powers" after "agency".

Subsec. (e). Pub. L. 111-272, §2(b), added subsec. (e) and struck out former subsec. (e) which read as follows: "As used in this section, the term 'firearm' does not include—

"(1) any machinegun (as defined in section 5845 of the National Firearms Act);

"(2) any firearm silencer (as defined in section 921 of this title); and

"(3) any destructive device (as defined in section 921 of this title)."

Subsec. (f). Pub. L. 111-272, §2(a)(2), added subsec. (f).

§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term "qualified retired law enforcement officer" means an individual who—

(1) separated from service in good standing from service with a public agency as a law enforcement officer;

(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, and had statutory powers of arrest;

(3)(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or

(B) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(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 law enforcement officers, as determined by the former agency of the individual, 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 that is qualified to conduct a firearms qualification test for active duty officers within that State;

(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) 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 the photographic identification as described in subsection (d)(1);

(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.

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by

the agency to carry a firearm of the same type as the concealed firearm; or

(2)(A) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer; and

(B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 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 qualification test for active duty officers within that State to have met—

(I) 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

(II) 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.

(e) As used in this section—

(1) the term "firearm"—

(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(C) does not include—

(i) any machinegun (as defined in section 5845 of the National Firearms Act);

(ii) any firearm silencer (as defined in section 921 of this title); and

(iii) any destructive device (as defined in section 921 of this title); and

(2) the term "service with a public agency as a law enforcement officer" includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

(Added Pub. L. 108-277, §3(a), July 22, 2004, 118 Stat. 866; amended Pub. L. 111-272, §2(c), Oct. 12, 2010, 124 Stat. 2855.)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e)(1)(B), (C)(i), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of such Act is classified to section 5845 of Title 26.

AMENDMENTS

2010—Subsec. (c)(1). Pub. L. 111-272, §2(c)(1)(A), substituted "separated from service" for "retired" and struck out ", other than for reasons of mental instability" after "officer".

Subsec. (c)(2). Pub. L. 111-272, §2(c)(1)(B), substituted "separation" for "retirement".

Subsec. (c)(3)(A). Pub. L. 111-272, §2(c)(1)(C)(i), substituted "separation, served as a law enforcement officer for an aggregate of 10 years or more" for "retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more".

Subsec. (c)(3)(B). Pub. L. 111-272, §2(c)(1)(C)(ii), substituted "separated" for "retired".

Subsec. (c)(4). Pub. L. 111-272, §2(c)(1)(D), added par. (4) and struck out former par. (4) which read as follows: "has a nonforfeitable right to benefits under the retirement plan of the agency;"

Subsec. (c)(5). Pub. L. 111-272, §2(c)(1)(E), added par. (5) and struck out former par. (5) which read as follows: "during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;"

Subsec. (d)(1). Pub. L. 111-272, §2(c)(2)(A), substituted "separated" for "retired" and "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm" for "to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm".

Subsec. (d)(2)(A). Pub. L. 111-272, §2(c)(2)(B)(i), substituted "separated" for "retired".

Subsec. (d)(2)(B). Pub. L. 111-272, §2(c)(2)(B)(ii), substituted "or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 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 qualification test for active duty officers within that State to have met—" for "that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm." and added cls. (I) and (II).

Subsec. (e). Pub. L. 111-272, §2(c)(3), added subsec. (e) and struck out former subsec. (e) which read as follows: "As used in this section, the term 'firearm' does not include—

"(1) any machinegun (as defined in section 5845 of the National Firearms Act);

"(2) any firearm silencer (as defined in section 921 of this title); and

"(3) a destructive device (as defined in section 921 of this title)."

§ 927. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90-618 struck out "or possession" after "State" wherever appearing.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

§ 928. Separability

If any provision of this chapter or the application thereof to any person or circumstance is

held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90-618 reenacted section without change.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

§ 929. Use of restricted ammunition

(a)(1) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking crime be sentenced to a term of imprisonment for not less than five years.

(2) For purposes of this subsection, the term "drug trafficking crime" means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed.

(Added Pub. L. 98-473, title II, §1006(a), Oct. 12, 1984, 98 Stat. 2139; amended Pub. L. 99-308, §108, May 19, 1986, 100 Stat. 460; Pub. L. 99-408, §8, Aug. 28, 1986, 100 Stat. 921; Pub. L. 100-690, title VI, §6212, title VII, §7060(b), Nov. 18, 1988, 102 Stat. 4360, 4404; Pub. L. 107-273, div. B, title IV, §4002(c)(4), Nov. 2, 2002, 116 Stat. 1809; Pub. L. 109-304, §17(d)(4), Oct. 6, 2006, 120 Stat. 1707.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a)(2), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (a)(2), is title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

RETIRED LAW ENFORCEMENT IDENTIFICATION ACT
Act of Dec. 13, 2005, P.L. 432, No. 79 Cl. 53
AN ACT

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.

Compiler's Note: The act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in this section, was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known 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.

Close Window

CHAPTER 221. RETIRED LAW ENFORCEMENT OFFICERS IDENTIFICATION AND QUALIFICATION CARDS

Subch.

Sec.

- A. GENERAL PROVISIONS...221.1
- B. RETIRED LAW ENFORCEMENT IDENTIFICATION CARDS...221.21
- C. QUALIFICATION CARD...221.31

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.
- 221.2. Definitions.

§ 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 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.

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

Sec.

- 221.21. Eligibility.
- 221.22. Identification card contents.
- 221.23. Identification card issuance.
- 221.24. Replacement; error or change in material information.
- 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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**Westmoreland County Adult Probation and Parole Office
Application for Retired Law Enforcement Officer's Identification Card**

**Your completed application should be sent to the Director of the Adult Probation and Parole Department at
2 North Main Street, Suite 303, Greensburg, PA 15601**

Full Name (please print):

Address:

Phone Number:

Email Address:

Date of Birth:

Gender:

Race:

Height:

Weight:

Hair Color:

Eye Color:

I certify that I retired in good standing, for reasons other than mental instability, from service with the Westmoreland County Adult Probation and Parole Office as defined by 53 P.S. § 753.3.

Yes No

I certify that before retirement, I 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 and had statutory powers of arrest.

Yes No

I certify that before retirement, I was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired from services from the Westmoreland County Adult Probation and Parole Office after completing any applicable probationary period of service due to a service-connected disability, as provided by 37 Pa. Code § 221.21.

Yes No

Years of law enforcement service with the Westmoreland County Adult Probation and Parole Office.

Years

Prior law enforcement employment information - List employer(s) and years of service.

Years

Years

I certify that I am not prohibited by federal law from receiving or possessing a firearm.

Yes No

Signature of Applicant:

Date:

FOR ADMINISTRATIVE USE ONLY:

Approved by the Director of Adult Probation and Parole

Date:

RETIRED LAW ENFORCEMENT IDENTIFICATION CARD REQUEST FORM

The retired law enforcement officer must complete all of the officer information fields and submit to the Director of the Adult Probation and Parole Office. The retired law enforcement officer will subsequently be scheduled for an appointment with Human Resources for identification card processing.

OFFICER INFORMATION

Full Name	
Complete Address	
Phone Number (This will not be listed on the card.)	
Date of Birth	
Gender	
Race	
Hair Color	
Eye Color	
Height	
Weight	

ISSUING AGENCY INFORMATION

Director of Adult Probation and Parole	Sharon L. Bold
Official Department Name	Westmoreland County Adult Probation and Parole Office
Complete Department Address	2 North Main Street, Suite 303, Greensburg, PA 15601
Department Phone Number	(724) 830-3701

CHAPTER 5
GENERAL PRINCIPLES OF JUSTIFICATION

Sec.

- 501. Definitions.
- 502. Justification a defense.
- 503. Justification generally.
- 504. Execution of public duty.
- 505. Use of force in self-protection.
- 506. Use of force for the protection of other persons.
- 507. Use of force for the protection of property.
- 508. Use of force in law enforcement.
- 509. Use of force by persons with special responsibility for care, discipline or safety of others.
- 510. Justification in property crimes.

Enactment. Chapter 5 was added December 6, 1972, P.L.1482, No.334, effective in six months.

Cross References. Chapter 5 is referred to in sections 311, 908.1, 2503, 2507, 2605, 2608 of this title; section 711 of Title 51 (Military Affairs).

§ 501. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Believes" or "belief." Means "reasonably believes" or "reasonable belief."

"Correctional institution." Any penal institution, penitentiary, State farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

"Corrections officer." A full-time employee assigned to the Department of Corrections whose principal duty is the care, custody and control of inmates of a penal or correctional institution operated by the Department of Corrections.

"Deadly force." Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

"Dwelling." Any building or structure, including any attached porch, deck or patio, though movable or temporary, or a portion thereof, which is for the time being the home or place of lodging of the actor.

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

"Residence." A dwelling in which a person resides, either temporarily or permanently, or visits as an invited guest.

"Unlawful force." Force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily injury.

"Vehicle." A conveyance of any kind, whether or not motorized, that is designed to transport people or property.
(July 6, 1984, P.L.647, No.134, eff. 90 days; July 17, 2007, P.L.139, No.41, eff. 60 days; June 28, 2011, P.L.48, No.10, eff. 60 days)

2011 Amendment. See the preamble to Act 10 in the appendix to this title for special provisions relating to legislative findings.

Cross References. Section 501 is referred to in sections 2507, 2702.1 of this title; section 9719.1 of Title 42 (Judiciary and Judicial Procedure); section 7302 of Title 44 (Law and Justice).

§ 502. Justification a defense.

In any prosecution based on conduct which is justifiable under this chapter, justification is a defense.

§ 503. Justification generally.

(a) General rule.--Conduct which the actor believes to be necessary to avoid a harm or evil to himself or to another is justifiable if:

(1) the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged;

(2) neither this title nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and

(3) a legislative purpose to exclude the justification claimed does not otherwise plainly appear.

(b) Choice of evils.--When the actor was reckless or negligent in bringing about the situation requiring a choice of harms or evils or in appraising the necessity for his conduct, the justification afforded by this section is unavailable in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

§ 504. Execution of public duty.

(a) General rule.--Except as provided in subsection (b) of this section, conduct is justifiable when it is required or authorized by any law of the following:

(1) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties.

(2) The law governing the execution of legal process.

(3) The judgment or order of a competent court or tribunal.

(4) The law governing the armed services or the lawful conduct of war.

(5) Any other provision of law imposing a public duty.

(b) Exceptions.--The other sections of this chapter apply to:

(1) The use of force upon or toward the person of another for any of the purposes dealt with in such sections.

(2) The use of deadly force for any purpose, unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.

(c) Requisite state of mind.--The justification afforded by subsection (a) of this section applies:

(1) when the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; and

(2) when the actor believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

§ 505. Use of force in self-protection.

(a) Use of force justifiable for protection of the person.--The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

(b) Limitations on justifying necessity for use of force.--

(1) The use of force is not justifiable under this section:

(i) to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or

(ii) to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(A) the actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(B) the actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 507 of this title (relating to use of force for the protection of property); or

(C) the actor believes that such force is necessary to protect himself against death or serious bodily injury.

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

(i) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(ii) the actor knows that he can avoid the necessity of using such force with complete safety by retreating, except the actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be.

(2.1) Except as otherwise provided in paragraph (2.2), an actor is presumed to have a reasonable belief that deadly force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat if both of the following conditions exist:

(i) The person against whom the force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcefully entered and is present within, a dwelling, residence or occupied vehicle; or the person against whom the force is used is or is attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle.

(ii) The actor knows or has reason to believe that the unlawful and forceful entry or act is occurring or has occurred.

(2.2) The presumption set forth in paragraph (2.1) does not apply if:

(i) the person against whom the force is used has the right to be in or is a lawful resident of the dwelling, residence or vehicle, such as an owner or lessee;

(ii) the person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the protective force is used;

(iii) the actor is engaged in a criminal activity or is using the dwelling, residence or occupied vehicle to further a criminal activity; or

(iv) the person against whom the force is used is a peace officer acting in the performance of his official duties and the actor using force knew or reasonably should have known that the person was a peace officer.

(2.3) An actor who is not engaged in a criminal activity, who is not in illegal possession of a firearm and who is attacked in any place where the actor would have a duty to retreat under paragraph (2)(ii) has no duty to retreat and has the right to stand his ground and use force, including deadly force, if:

(i) the actor has a right to be in the place where he was attacked;

(ii) the actor believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping or sexual intercourse by force or threat; and

(iii) the person against whom the force is used displays or otherwise uses:

(A) a firearm or replica of a firearm as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms); or

(B) any other weapon readily or apparently capable of lethal use.

(2.4) The exception to the duty to retreat set forth under paragraph (2.3) does not apply if the person against whom the force is used is a peace officer acting in the performance of his official duties and the actor using force knew or reasonably should have known that the person was a peace officer.

(2.5) Unless one of the exceptions under paragraph (2.2) applies, a person who unlawfully and by force enters or attempts to enter an actor's dwelling, residence or occupied vehicle or removes or attempts to remove another against that other's will from the actor's dwelling, residence or occupied vehicle is presumed to be doing so with the intent to commit:

- (i) an act resulting in death or serious bodily injury; or
- (ii) kidnapping or sexual intercourse by force or threat.

(2.6) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as otherwise required by this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

(c) Use of confinement as protective force.--The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

(d) Definition.--As used in this section, the term "criminal activity" means conduct which is a misdemeanor or felony, is not justifiable under this chapter and is related to the confrontation between an actor and the person against whom force is used.

(June 28, 2011, P.L.48, No.10, eff. 60 days)

2011 Amendment. Act 10 amended subsec. (b) and added subsec. (d). See the preamble to Act 10 in the appendix to this title for special provisions relating to legislative findings.

Cross References. Section 505 is referred to in section 506 of this title; section 6304 of Title 23 (Domestic Relations); section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 506. Use of force for the protection of other persons.

(a) General rule.--The use of force upon or toward the person of another is justifiable to protect a third person when:

- (1) the actor would be justified under section 505 (relating to use of force in self-protection) in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;
- (2) under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and
- (3) the actor believes that his intervention is necessary for the protection of such other person.

(b) Exception.--Notwithstanding subsection (a), the actor is not obliged to retreat to any greater extent than the person whom he seeks to protect.

(June 28, 2011, P.L.48, No.10, eff. 60 days)

2011 Amendment. See the preamble to Act 10 in the appendix to this title for special provisions relating to legislative findings.

Cross References. Section 506 is referred to in section 6304 of Title 23 (Domestic Relations); section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 507. Use of force for the protection of property.

(a) Use of force justifiable for protection of property.--The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary:

(1) to prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible movable property, if such land or movable property is, or is believed by the actor to be, in his possession or in the possession of another person for whose protection he acts; or

(2) to effect an entry or reentry upon land or to retake tangible movable property, if:

(i) the actor believes that he or the person by whose authority he acts or a person from whom he or such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession; and

(ii) (A) the force is used immediately or on fresh pursuit after such dispossession; or

(B) the actor believes that the person against whom he uses force has no claim of right to the possession of the property and, in the case of land, the circumstances, as the actor believes them to be, are of such urgency that it would be an exceptional hardship to postpone the entry or reentry until a court order is obtained.

(b) Meaning of possession.--For the purpose of subsection (a) of this section:

(1) A person who has parted with the custody of property to another who refuses to restore it to him is no longer in possession, unless the property is movable and was and still is located on land in his possession.

(2) A person who has been dispossessed of land does not regain possession thereof merely by setting foot thereon.

(3) A person who has a license to use or occupy real property is deemed to be in possession thereof except against the licensor acting under claim of right.

(c) Limitations on justifiable use of force.--

(1) The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his interference with the property, unless the actor believes that:

(i) such request would be useless;

(ii) it would be dangerous to himself or another person to make the request; or

(iii) substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.

(2) The use of force to prevent or terminate a trespass is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily injury.

(3) The use of force to prevent an entry or reentry upon land or the recaption of movable property is not justifiable under this section, although the actor believes that such reentry or caption is unlawful, if:

(i) the reentry or recaption is made by or on behalf of a person who was actually dispossessed of the property; and

(ii) it is otherwise justifiable under subsection (a)

(2).

(4) (i) The use of deadly force is justifiable under this section if:

(A) there has been an entry into the actor's dwelling;

(B) the actor neither believes nor has reason to believe that the entry is lawful; and

(C) the actor neither believes nor has reason to believe that force less than deadly force would be adequate to terminate the entry.

(ii) If the conditions of justification provided in subparagraph (i) have not been met, the use of deadly force is not justifiable under this section unless the actor believes that:

(A) the person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(B) such force is necessary to prevent the commission of a felony in the dwelling.

(d) Use of confinement as protective force.--The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless the person confined has been arrested on a charge of crime.

(e) Use of device to protect property.--The justification afforded by this section extends to the use of a device for the purpose of protecting property only if:

(1) the device is not designed to cause or known to create a substantial risk of causing death or serious bodily injury;

(2) the use of the particular device to protect the property from entry or trespass is reasonable under the circumstances, as the actor believes them to be; and

(3) the device is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.

(f) Use of force to pass wrongful obstructor.--The use of force to pass a person whom the actor believes to be intentionally or knowingly and unjustifiably obstructing the actor from going to a place to which he may lawfully go is justifiable, if:

(1) the actor believes that the person against whom he uses force has no claim of right to obstruct the actor;

(2) the actor is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the person obstructing him, or in the possession or custody of another person by whose authority the obstructor acts, unless the circumstances, as the actor believes them to be, are of such urgency that it would not be reasonable to postpone the entry or movement on such land until a court order is obtained; and

(3) the force used is not greater than it would be justifiable if the person obstructing the actor were using force against him to prevent his passage.
(Dec. 19, 1980, P.L.1310, No.235, eff. imd.)

1980 Amendment. Act 235 amended subsec. (c).

Cross References. Section 507 is referred to in section 505 of this title; section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 508. Use of force in law enforcement.

(a) Peace officer's use of force in making arrest.--

(1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

(i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

(2) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(b) Private person's use of force in making arrest.--

(1) A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or another.

(2) A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.

(3) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, if:

(i) he believes the arrest is lawful; and

(ii) the arrest would be lawful if the facts were as he believes them to be.

(c) Use of force regarding escape.--

(1) A peace officer, corrections officer or other person who has an arrested or convicted person in his custody is justified in the use of such force to prevent the escape of the

person from custody as the officer or other person would be justified in using under subsection (a) if the officer or other person were arresting the person.

(2) A peace officer or corrections officer is justified in the use of such force, including deadly force, which the officer believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(3) A corrections officer is justified in the use of such force, which the officer believes to be necessary to defend himself or another from bodily harm during the pursuit of the escaped person. However, the officer is justified in using deadly force only when the officer believes that such force is necessary to prevent death or serious bodily injury to himself or another or when the officer believes that:

(i) such force is necessary to prevent the apprehension from being defeated by resistance; and

(ii) the escaped person has been convicted of committing or attempting to commit a forcible felony, possesses a deadly weapon or otherwise indicates that he will endanger human life or inflict serious bodily injury unless apprehended without delay.

(d) Use of force to prevent suicide or the commission of crime.--

(1) The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily injury upon himself, committing or consummating the commission of a crime involving or threatening bodily injury, damage to or loss of property or a breach of the peace, except that:

(i) Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.

(ii) The use of deadly force is not in any event justifiable under this subsection unless:

(A) the actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily injury to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or

(B) the actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

(2) The justification afforded by this subsection extends to the use of confinement as preventive force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

(July 17, 2007, P.L.139, No.41, eff. 60 days)

2007 Amendment. Act 41 amended subsec. (c).

Cross References. Section 508 is referred to in section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others.

The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the minor, including the preventing or punishment of his misconduct; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.

(2) The actor is a teacher or person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(i) the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(ii) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under paragraph (1)(ii).

(3) The actor is the guardian or other person similarly responsible for the general care and supervision of an incapacitated, mentally ill or mentally retarded person; and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the incapacitated, mentally ill or mentally retarded person, including the prevention of his misconduct, and there is no reasonable alternative to the use of such force; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, bodily injury, disfigurement, unnecessary pain, mental distress, or humiliation.

(4) The actor is a doctor or other therapist or a person assisting him at his direction; and:

(i) the force is used for the purpose of administering a recognized form of treatment not prohibited by law of this Commonwealth which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(ii) the treatment is administered with the consent of the patient, or, if the patient is a minor or an incapacitated person with the consent of his parent or guardian or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(5) The actor is a warden or other authorized official of a correctional institution; and:

(i) he believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his error is due to ignorance or mistake as to the provisions of this title, any other provision of the criminal law or the law governing the administration of the institution;

(ii) the nature or degree of force used is not forbidden by law; and

(iii) if deadly force is used, its use is otherwise justifiable under this chapter.

(6) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his direction; and:

(i) he believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order, unless his belief in the lawfulness of the order is erroneous and his error is due to ignorance or mistake as to the law defining his authority; and

(ii) if deadly force is used, its use is otherwise justifiable under this chapter.

(7) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train or other carrier or in a place where others are assembled; and:

(i) he believes that the force used is necessary for such purpose; and

(ii) the force used is not designed to cause death, or known to create a substantial risk of causing death, bodily injury, or extreme mental distress.

(Oct. 21, 1988, P.L.1000, No.115, eff. imd.; Apr. 16, 1992, P.L.108, No.24, eff. 60 days)

Cross References. Section 509 is referred to in section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 510. Justification in property crimes.

Conduct involving the appropriation, seizure or destruction of, damage to, intrusion on or interference with property is justifiable under circumstances which would establish a defense of privilege in a civil action based thereon, unless:

(1) this title or the law defining the offense deals with the specific situation involved; or

(2) a legislative purpose to exclude the justification claimed otherwise plainly appears.

COMMONWEALTH OF PENNSYLVANIA
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION



PENNSYLVANIA RETIRED OFFICER
CONCEALED CARRY ACKNOWLEDGEMENT FORM

www.psp.pa.gov/mpoetc/rleia

Instructions: Provide completed form to the certified law enforcement firearms instructor.

TO BE COMPLETED BY THE QUALIFIED RETIRED LAW ENFORCEMENT OFFICER

I meet the definition of a qualified retired/separated law enforcement officer as defined in 18 USC §926C and 37 Pa. Code §221.21. The public agency named below issued me a retired law enforcement identification card.

(Name of Agency/Department)

(City/State)

My signature below indicates I understand the requirements of 37 Pa. Code §221.31 pertaining to my eligibility to receive a qualification card, I am eligible to receive a qualification card, and I will comply with the requirements of 37 Pa. Code §221 when carrying a firearm under this section. I certify the information I have provided is true and correct under penalty of law (18 Pa. C.S. §4904, relating to unsworn falsification to authorities).

(Printed name of Qualified Retired Law Enforcement Officer)

(Phone Number)

(Signature)

(Date)

TO BE COMPLETED BY THE CERTIFIED LAW ENFORCEMENT FIREARMS INSTRUCTOR

As required in 37 Pa. Code §221.33, I verified the individual named above holds a retired law enforcement identification card issued by the agency/department listed on this form, provided the individual instruction regarding principles of justification, and observed them fire a qualification course as annotated below.

(Qualification Card Number Issued)

Semi-Automatic

(Make/Model of Weapon Fired)

(Type of Ammunition Used)

(Course/Rounds Fired)

Revolver

(Make/Model of Weapon Fired)

(Type of Ammunition Used)

(Course/Rounds Fired)

(Printed name of Certified Law Enforcement Firearms Instructor)

(Phone Number)

(Signature)

(Date)

Forward a copy of the completed form to MPOETC and retain a copy for your records for one year from date of qualification.

ACKNOWLEDGEMENT SHEET

I have read and I understand the information listed in the Retired Law Enforcement Officers Identification and Firearms Qualification Policy dated November 2020.

Employee's Name (Printed)

Employee's Signature

Date