

Law Enforcement Officers' Safety Act of 2004 Advisory

Introduction

On July 22, 2004, President Bush signed into law the Law Enforcement Officers' Safety Act of 2004, (H.R. 218). This law allows qualified active and honorably retired law enforcement officers to carry their firearms concealed nationwide. Additionally, the law establishes the criteria that those individuals must meet annually in order to qualify as an active or honorably retired law enforcement officer. The requirements are as follows:

Active Law Enforcement Officer

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 State or Federal law from receiving a firearm.

Retired Law Enforcement Officer

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-connected disability, as determined by such agency;
4. has a non-forfeitable 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 State or Federal law from receiving a firearm.

If you have met the above requirements, qualifying you as an active or honorably retired law enforcement officer, proceed to the next step outline in the "Procedures for Certification."

Procedures for Certification

Active Law Enforcement Officer

- You must have met firearm and training standards established by your agency which requires you to regularly qualify in the use of a firearm.
- You must possess a photographic identification card issued by your agency.
- If you have met the aforementioned procedures, no additional documentation or certification is needed to meet the provisions of LEOSA; however, you may want to consult with your agency to ensure there is no conflict with any internal policy regarding your use of and/or carrying a concealed firearm out of your jurisdiction.

Retired Law Enforcement Officer

- You can obtain your certification from the agency from which you are retired or from the designated state agency, the Maryland Department of State Police.
- You must possess a photographic identification card issued by your agency indicating that you are a retired law enforcement officer.
- If certification is obtained from your agency, you must have met the established firearm and training standards of the agency which are required of an active law enforcement officer to carry a firearm; for example, if your agency requires its active law enforcement officer to have a minimum firearm qualification score of 70% to carry a firearm, you must also obtain that minimum firearm qualification score to qualify for your certification.

- Once you have met the firearm and training standards of your agency, the agency may issue a certification card that indicates at least your name, expiration date, weapon type and the signature of the issuing authority.
- Your agency may charge a fee for the processing and issuance of the certification card.
- You will be required to annually meet the established firearm and training standards of your agency by the expiration date of the previous firearm qualification in order to maintain your certification.

Certification Obtained from Designated State Agency

- You must complete the State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm. The application can be obtained from the Maryland State Police website at www.mdsp.infor.org. Once on the website, click on Downloads, then "Firearms Licensing Application."
- You must submit, to the Maryland State Police Licensing Division, a completed State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm and documentation from either your agency or a certified Maryland Police and Correctional Training Commission Firearm Instructor that indicates that you have satisfied the firearm and training qualification requirements of the state.
- Contact your local law enforcement agency, firearm range or the Maryland Police and Correctional Training Commission to make arrangements to complete the firearm and training qualification. There may be a charge for the service.
- Once you have satisfied the firearm and training qualification requirements and submitted the required paperwork to the Licensing Division at 7751 Washington Boulevard, Jessup, Maryland 20794, you will receive your certification card within a reasonable time. The certification card will indicate your information, the firearm type, along with the expiration date and the notation LEOSA in the remarks section.
- You will be required to annually meet the established firearm and training standards of your agency or the state by the expiration date of the previous firearm qualification in order to maintain your certification.
- The Department of State Police does reserve the right to deny the issuance of the certification card when your status as a retired law

enforcement officer cannot be established and/or verified.

- There will be a cost for this service.

Procedures for Maryland State Police Retirees

- You must submit the LEOSA Range Request Form and the State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm to the Licensing Division. The forms can be obtained from the Licensing Division or from the Maryland State Police website at www.mdsp.info. Once on the website, click on "Downloads," then "Firearms Licensing Application."
- You must return the completed forms to the Licensing Division at 7751 Washington Boulevard, Jessup, Maryland 20794. You will be notified of the location and time when to report to complete the firearm training and qualification requirements of the certification.
- You will be responsible for providing the firearm and the ammunition for which you intend to use for qualification.
- Prior to qualifying at the range, you will be required to review and sign the liability waiver form.
- Once you have satisfied the firearm training and qualification requirements, you will receive your certification card within a reasonable time after qualifying at the range. The certification card will indicate your information, the firearm type, along with the expiration date and the notation LEOSA in the remarks section.
- You will be required to annually meet the established firearm and training standards of this agency or the state by the expiration date of the previous firearm qualification in order to maintain your certification.

_____ I was authorized to engage in or supervise the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law, and I had statutory powers of arrest.

_____ Before retirement, I was *either* (check one):

- _____ regularly employed as a law enforcement officer for fifteen (15) or more years aggregated, *or*
- _____ I retired after completing probation due to service-connected disability as determined by the agency I retired from.

_____ I have a non-forfeitable right to benefits under my agency's retirement plan.

_____ **I am not under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and I will not carry a firearm while I am under the influence of alcohol or another intoxicating or hallucinatory drug or substance.**

_____ I am not prohibited by state or federal law from receiving a firearm.

_____ I understand that the definition of "firearm" does not include any machine gun, firearms silencer, or destructive device.

_____ I have met the State of Maryland's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as my concealed firearm; I met these standards on _____
(DATE)

at _____
(Agency/Location)

with _____
(Weapon manufacture/model)

_____ I understand that I must carry the State of Maryland's certification, along with the photographic identification issued by my agency, when I carry the concealed weapon.

_____ I understand that my certification expires twelve months from its issue date.

_____ **I understand that the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. 926C, does not give me any rights whatsoever to exercise law enforcement authority or take police action under any circumstances.**

I do hereby declare and affirm under the penalties of perjury that the contents of this application are true and correct to the best of my knowledge, information, and belief and I so indicate by signing below in the designated space.

Applicant signature

Date

Subscribed and sworn to before me:

Notary Public _____

This _____ Day of _____ 200_____

My Commission Expires _____

