

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1057

Session of
2005

INTRODUCED BY MAITLAND, J. EVANS, CORRIGAN, BENNINGHOFF,
CALTAGIRONE, CAPPELLI, CASORIO, CLYMER, CRAHALLA, DENLINGER,
DERMODY, FAIRCHILD, GEIST, HARRIS, HERMAN, HESS, HUTCHINSON,
KAUFFMAN, M. KELLER, MANN, PALLONE, PHILLIPS, ROHRER,
SAINATO, B. SMITH, WANSACZ, SOLOBAY, BOYD AND JAMES,
MARCH 21, 2005

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 29, 2005

AN ACT

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

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

7 Section 1. Short title.

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

10 Section 2. Legislative findings.

11 The General Assembly finds as follows:

12 (1) On July 22, 2004, the President of the United States
13 signed the Law Enforcement Officers Safety Act of 2004, 18
14 U.S.C. §§ 926B (relating to carrying of concealed firearms by
15 qualified law enforcement officers) and 926C (relating to
16 carrying of concealed firearms by qualified retired law

1 enforcement officers), which authorized certain current and
2 retired law enforcement officers, if they so choose, to carry
3 a concealed firearm.

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

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

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

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

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

24 Section 3. Definitions.

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

28 "Certified law enforcement firearm instructor." Any
29 individual who possesses a current police firearms instructor
30 rating from the National Rifle Association, the Pennsylvania

1 State Police, the Municipal Police Officers' Education and
2 Training ~~Program~~ COMMISSION, the Pennsylvania Commission on
3 Crime and Delinquency, the Deputy Sheriffs' Education and
4 Training Board, the Federal Bureau of Investigation, the Smith &
5 Wesson Academy, the Philadelphia Police Academy or the United
6 States Secret Service or other certification approved by the
7 Municipal Police Officers' Education and Training Commission.

8 "Commission." The Municipal Police Officers' Education and
9 Training Commission established in 53 Pa.C.S. Ch. 21 Subch. D
10 (relating to municipal police education and training).

11 "Identification card." A retired law enforcement officer
12 identification card authorized under section 4 (relating to
13 retired law enforcement identification card).

14 "Qualification card." A firearm training and qualification
15 card authorized under section 5 (relating to firearm training
16 and qualification card).

17 Section 4. Retired law enforcement identification card.

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

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

23 (2) At anytime after a law enforcement officer retires,
24 upon request of the officer, a law enforcement agency shall
25 provide the retired law enforcement officer with a retired
26 law enforcement identification card.

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

30 (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 firearms training and qualification standards. 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 make and model of any firearm used for firearms training and qualification by the retired law enforcement officer.

(6) 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 firearm training or qualification standards of any law enforcement agency in this Commonwealth.

(d) 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.

Section 6. 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 7. Effective date.

This act shall take effect in 60 days.