
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

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 14, 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

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

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

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

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

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

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

25 Section 3. Definitions.

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

29 "Certified law enforcement firearm instructor." Any
30 individual who possesses a current police firearms instructor

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

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

12 "COMMONWEALTH'S STANDARDS FOR TRAINING AND QUALIFICATION FOR <—
13 ACTIVE LAW ENFORCEMENT OFFICERS TO CARRY A FIREARM." THE
14 STANDARDS ESTABLISHED BY THE LAW ENFORCEMENT AGENCY FROM WHICH
15 AN OFFICER RETIRED OR BY THE MUNICIPAL POLICE OFFICERS'
16 EDUCATION AND TRAINING COMMISSION FOR TRAINING AND QUALIFICATION
17 TO CARRY A FIREARM OF THE SAME TYPE AS THE CONCEALED FIREARM,
18 PROVIDED THAT THE COMMISSION DOES NOT CHARGE A FEE TO CERTIFIED
19 LAW ENFORCEMENT FIREARM INSTRUCTORS AND OFFICERS FOR THE
20 STANDARDS, WHETHER ACCESS TO THE STANDARDS IS GIVEN THROUGH THE
21 INTERNET OR SOME OTHER FORM OF PUBLICATION.

22 "Identification card." A retired law enforcement officer
23 identification card authorized under section 4 (relating to
24 retired law enforcement identification card).

25 "Qualification card." A VALID firearm training and <—
26 qualification card authorized under section 5 (relating to
27 firearm training and qualification card). WHEN CARRIED WITH AN <—
28 IDENTIFICATION CARD, A QUALIFICATION CARD SHALL CONSTITUTE A
29 PENNSYLVANIA LICENSE TO CARRY A FIREARM.

30 "RETIRED LAW ENFORCEMENT OFFICER" OR "OFFICER." A QUALIFIED

1 RETIRED LAW ENFORCEMENT OFFICER AS DEFINED IN 18 U.S.C. §
2 926C(C) (RELATING TO CARRYING OF CONCEALED FIREARMS BY QUALIFIED
3 RETIRED LAW ENFORCEMENT OFFICERS).

4 Section 4. Retired law enforcement identification card.

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

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

10 (2) At anytime after ~~a law enforcement~~ AN officer <—
11 retires, upon request of the officer, a law enforcement
12 agency shall provide the retired law enforcement officer with
13 a retired law enforcement identification card.

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

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

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

22 (3) The signature of the law enforcement officer issuing
23 the identification card.

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

26 (5) Any other information designated by the commission.

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

29 Section 5. Firearm training and qualification card.

30 (a) General rule.--A retired law enforcement officer shall

1 be eligible for a qualification card if the law enforcement
2 officer either:

3 (1) resides in this Commonwealth; or

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

6 (b) Contents.--Qualification cards shall be issued to
7 indicate compliance with ~~firearms training and qualification~~ <—
8 ~~standards.~~ THE COMMONWEALTH'S STANDARDS FOR TRAINING AND <—
9 QUALIFICATION FOR ACTIVE LAW ENFORCEMENT OFFICERS TO CARRY A
10 FIREARM. The qualification cards shall be uniform throughout
11 this Commonwealth and on a form prescribed by the commission.
12 The qualification card shall bear the following:

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

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

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

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

24 ~~(5) The make and model of any firearm used for firearms~~ <—
25 ~~training and qualification by the retired law enforcement~~
26 ~~officer.~~

27 (5) THE NAME AND SIGNATURE OF A SHERIFF. <—

28 (6) A CONFIRMATION NUMBER PROVIDED BY THE SHERIFF WHO
29 SIGNED THE QUALIFICATION CARD.

30 (7) A BRIEF DESCRIPTION OF THE DUTY TO SURRENDER A

1 QUALIFICATION CARD PURSUANT TO SECTION 6, INCLUDING A SPACE
2 FOR THE MAILING ADDRESS DESIGNATED BY THE SHERIFF. THE
3 SHERIFF SHALL ADD THE MAILING ADDRESS IN THE SPACE PROVIDED.

4 ~~(6)~~ (8) Any other information designated by the <—
5 commission.

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

8 (c) Issuing authorization.--Any certified law enforcement
9 firearms instructor may issue a qualification card to a retired
10 law enforcement officer who has met the ~~firearm training or~~ <—
11 ~~qualification standards of any law enforcement agency in this~~
12 ~~Commonwealth.~~ COMMONWEALTH'S STANDARDS FOR TRAINING AND <—
13 QUALIFICATION FOR ACTIVE LAW ENFORCEMENT OFFICERS TO CARRY A
14 FIREARM.

15 (D) CONFIRMATION NUMBER.--A QUALIFICATION CARD SHALL NOT BE
16 VALID WITHOUT A CONFIRMATION NUMBER. A CONFIRMATION NUMBER SHALL
17 ~~BE ONE OF THE FOLLOWING:~~ <—

18 ~~(1) THE COUNTY LOCATION CODE AND LICENSE NUMBER OF A~~
19 ~~VALID, UNEXPIRED PENNSYLVANIA LICENSE TO CARRY A FIREARM~~
20 ~~ISSUED PURSUANT TO 18 PA.C.S. § 6109 (RELATING TO LICENSES)~~
21 ~~TO THE OFFICER BY THE SHERIFF.~~

22 ~~(2) A UNIQUE APPROVAL NUMBER PROVIDED BY THE~~
23 ~~PENNSYLVANIA STATE POLICE TO THE SHERIFF. FOR THE PURPOSES OF~~
24 ~~THIS PARAGRAPH, A SHERIFF SHALL REQUEST A CRIMINAL HISTORY BE~~ <—
25 ~~A UNIQUE APPROVAL NUMBER PROVIDED BY THE PENNSYLVANIA STATE~~
26 ~~POLICE TO THE SHERIFF. FOR THE PURPOSES OF OBTAINING A UNIQUE~~
27 ~~APPROVAL NUMBER, A SHERIFF SHALL REQUEST A CRIMINAL HISTORY~~
28 ~~RECORD, JUVENILE DELINQUENCY RECORD AND MENTAL HEALTH CHECK~~
29 ~~OF THE OFFICER FROM THE PENNSYLVANIA STATE POLICE EACH TIME A~~ <—
30 ~~NEW QUALIFICATION NUMBER IS REQUESTED. FOR EACH REQUEST, THE~~

1 SHERIFF SHALL COLLECT A FEE EQUIVALENT TO THE COST OF
2 PROVIDING THE SERVICE BUT NOT TO EXCEED \$5 PER REQUEST. THE
3 FEES COLLECTED SHALL BE TRANSMITTED TO THE PENNSYLVANIA STATE
4 POLICE WITHIN 14 DAYS OF COLLECTION. THE SHERIFF SHALL KEEP A
5 COPY OF THE UNIQUE APPROVAL NUMBER.

6 ~~(3) A UNIQUE APPROVAL NUMBER PROVIDED BY THE~~ <—
7 ~~PENNSYLVANIA STATE POLICE WITHIN THE LAST FOUR YEARS TO THE~~
8 ~~SHERIFF FOR THE PURPOSES OF PARAGRAPH (2).~~

9 ~~(d)~~ (E) Blank qualification cards.--The Commission shall <—
10 make available blank qualification cards for use by certified
11 law enforcement firearms instructors and may charge a reasonable
12 fee, not to exceed \$2, for each blank qualification card.

13 (F) IMMUNITY.--A SHERIFF WHO COMPLIES IN GOOD FAITH WITH <—
14 THIS SECTION SHALL BE IMMUNE FROM LIABILITY RESULTING OR ARISING
15 FROM THE ACTION OR MISCONDUCT WITH A FIREARM COMMITTED BY AN
16 OFFICER WHO HAS BEEN PROVIDED A CONFIRMATION NUMBER FROM THE
17 SHERIFF.

18 (G) DEFINITION.--FOR THE PURPOSES OF THIS SECTION, THE TERM
19 "SHERIFF" SHALL MEAN:

- 20 (1) THE SHERIFF OF A COUNTY; OR
21 (2) IN A CITY OF THE FIRST CLASS, THE CHIEF OR HEAD OF
22 THE POLICE DEPARTMENT.

23 SECTION 6. RETURN OF QUALIFICATION CARD.

24 (A) DUTY TO SURRENDER.--

25 (1) IF A RETIRED LAW ENFORCEMENT OFFICER BECOMES LEGALLY
26 INELIGIBLE TO RECEIVE, POSSESS, USE, MANUFACTURE, CONTROL,
27 SELL OR TRANSFER A FIREARM, THE INDIVIDUAL SHALL SURRENDER
28 HIS QUALIFICATION CARD WITHIN FIVE DAYS TO THE SHERIFF WHO
29 PROVIDED THE CONFIRMATION NUMBER UNDER SECTION 5.

30 (2) A QUALIFICATION CARD SHALL BE DEEMED TIMELY MAILED

1 IF IT IS SENT BY CERTIFIED MAIL AND POSTMARKED WITHIN THE
2 FIVE-DAY PERIOD.

3 (3) THE SHERIFF SHALL DESIGNATE ONE ADDRESS FOR THE
4 RECEIPT OF SURRENDERED QUALIFICATION CARDS BY MAIL.

5 (4) WITHIN TEN DAYS OF THE SURRENDER OF A QUALIFICATION
6 CARD, THE SHERIFF SHALL NOTIFY THE PENNSYLVANIA STATE POLICE
7 BY ELECTRONIC MAIL OR FACSIMILE OF THE IDENTITY OF THE
8 OFFICER WHO HAS SURRENDERED THE QUALIFICATION CARD.

9 (B) VIOLATION.--AN INDIVIDUAL WHO KNOWINGLY AND
10 INTENTIONALLY FAILS TO SURRENDER HIS QUALIFICATION CARD AS
11 PROVIDED IN SUBSECTION (A) COMMITS AN OFFENSE.

12 (C) GRADING.--AN OFFENSE UNDER SUBSECTION (B) CONSTITUTES A
13 SUMMARY OFFENSE.

14 SECTION 7. RULES AND REGULATIONS.

15 THE COMMISSION SHALL, IN THE MANNER PROVIDED BY LAW,
16 PROMULGATE THE RULES AND REGULATIONS NECESSARY TO CARRY OUT THE
17 PROVISIONS OF THIS ACT.

18 SECTION 8. PUBLIC RECORDS.

19 INFORMATION PROVIDED OR MAINTAINED PURSUANT TO THIS ACT SHALL
20 BE CONFIDENTIAL AND SHALL NOT BE DEEMED A PUBLIC RECORD SUBJECT
21 TO DISCLOSURE UNDER THE ACT OF JUNE 21, 1957 (P.L.390, NO.212),
22 REFERRED TO AS THE RIGHT-TO-KNOW LAW.

23 Section 9. Construction. <—

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

30 Section 10. Effective date. <—

1 This act shall take effect in 60 days.