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Pennsylvania State Police
Attn: Syndi L. Guido, Policy Director
1800 Elmerton Avenue
Harrisburg, PA 17110

Dear Syndi:

Below are comments and suggestions concerning Regulation # 17-75, published as a proposed rulemaking in the Pennsylvania Bulletin, Vol. 38, No. 13, March 29, 2008, beginning on page 1486. It is hoped that this information proves to be useful.

§ 221.21(5)

There is a typographical error in § 221.21(5). The word "offers" should be "officers."

§ 221.21(6)

To be consistent, the words "or possessing" should be added after the word "receiving" (as appears in § 221.31(2)(viii)).

§ 221.21(5) and § 221.31(2)(iii)

There could be an inherent conflict between:

- (1) § 221.21(5), which requires an individual to meet "the State's standards for training and qualification for active law enforcement officers" in order to receive an identification card; and
- (2) § 221.31(2)(iii), which requires an individual to have an "identification card" before the individual is eligible to obtain a qualification card.

Since the qualification card would be evidence of meeting the training standards (for an officer who has been retired for more than a year), these provisions could result in a Catch-22, i.e., you need card 1 to get card 2 but you need card 2 to get card 1.

§ 221.31

It is unclear how § 221.31 would apply to retired officers who reside in the Commonwealth. Under § 221.31, an officer only needs to meet “one of the following conditions.” If an officer falls under paragraph (2), it appears that the officer is subject to 16 additional conditions as provided in subparagraphs (i) through (xvi). On the other hand, if a retired officer “resides in this Commonwealth” under (1), the officer would not be bound by the 16 conditions listed under paragraph (2).

§ 221.31(2)

On a speculative note, if the 16 subparagraphs of § 221.31(2) were made applicable to officers who “reside in this Commonwealth,” conforming amendments would be needed to § 221.31(2)(iii) to recognize that a retiree from a federal agency or another state would have an identification card issued by that entity.

§ 221.31(2)(ii) and (ix)

There is an inherent conflict between § 221.31(2)(ii), which appears to acknowledge that a retired officer can carry an “automatic weapon” pursuant to these proposed rules, and § 221.31(2)(ix), which excludes “machine guns” from the definition of firearms.

§ 221.31(2)(iv)

Section 221.31(2)(iv), by requiring an applicant to specify the “city” from which the applicant retired, appears to exclude the Pennsylvania State Police and other multi-jurisdictional agencies.

§ 221.31(2)(xiv)

The word “the” as it appears in the second line (before the word “Pennsylvania’s”) should be deleted.

§ 221.31(2)(xv)

The word “that” appears twice.

§ 221.33(f)(3)

Section 221.33(f)(3) requires instructors to keep records of the “type of ammunition utilized by the retired law enforcement officer.” Neither the federal nor the state law governing this process concerns ammunition. Given the fungible nature of ammunition, as well as the ability of some guns to chamber more than one caliber (e.g., a .357 magnum can also safely chamber and fire .38 special rounds), this information could be misleading or be used to the detriment of the retired officer. If an officer qualified with a .357 magnum shooting .38 special rounds, and subsequently carried the gun with .357 rounds, would this be deemed an impermissible activity? If not, why is there a need to record the type of ammunition? In similar fashion, concerns could

be raised if full metal jacket rounds (less expensive) were used during the qualification course and jacketed hollow point rounds were carried in the gun on a day-to-day basis.

Sincerely,

A handwritten signature in cursive script that reads "Ronald S. Marsico". The signature is written in black ink and is positioned above the typed name.

Ronald S. Marsico, Republican Chairman
House Judiciary Committee
105th Legislative District

Cc: Arthur Coccodrilli, Chairman
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