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April 8, 2008

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Re: Comments on Proposed Regulations, 37 PA Code Ch. 221, Retired Law Enforcement Officers Identification and Qualification Cards

I have read the proposed regulations, but I find that there is no provision for qualifying FEDERAL retired law enforcement officers. Of course federal law enforcement officers (LEOs) are covered by the federal Federal Law Enforcement Officers Safety Act and the implementing PA legislation. Why then do the proposed regulations apply only to retired PA LEOs? Where and when can federal LEOs qualify? And, to what state standard course of fire (required by the federal law)? Perhaps it is now time for application of the legal theory that the absence of a state standard is that there is no standard and that federal LEOs need to qualify to...nothing? If that is so, then retired federal officers meet the requirements of the federal law without actual qualification on a firing range. Since the proposed regulations create no standard course of fire for retired federal officers, and there are no provisions to actually qualify, is "no standard" the requirement for PA residents who are retired federal law enforcement officers?

The language under the Qualification provisions in Section 221.31, Eligibility: "A retired law enforcement officer shall be eligible for a qualification card if the retired law enforcement officer meets the following conditions: (b) -- Is retired from a law enforcement agency from this Commonwealth or any political subdivision thereof; and...." The cover document also provides as follows: "This proposed rulemaking will affect former law enforcement officers who retired from Pennsylvania law enforcement agencies." It is rather evident that retired federal officers are specifically excluded in these proposed regulations when, in fact, they should be properly included.

The identification provisions of the PA regulations properly do not apply to retired federal officers. They must obtain their IDs from their former employing agencies (federal agencies). Retired federal officers are, however, required to qualify to a state standard. These proposed regulations should include such a standard for retired federal officers and provide the means for those officers to actually qualify and be furnished qualification cards.

By omission of rules for retired federal LEOs residing in PA, the existing proposed regulations do not fully implement the requirements of both the federal and state laws.

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