

#2661.



RECEIVED

2008 APR 23 PM 12:16

INDEPENDENT REGULATORY  
REVIEW COMMISSION

April 16, 2008

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

RE: Comments to the Municipal Police Officers' Education and Training Commission  
Proposed Regulations (37 Pa.Code Ch. 221)

Dear Ms. Guido:

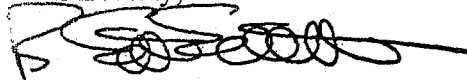
Please accept this letter as the Firearm Education and Training Commission's ("FETC")  
comments to the above-referenced proposed regulations.

- (1) Can the retiree only qualify on the weapon on which an agency's active employees qualify or any weapon? The proposed regulations are not clear on what weapon the retiree can qualify.
- (2) Can a retiree go anywhere to qualify or must the retiree only qualify with the agency from whom he/she retired? If the retiree can go to any entity to qualify, it is assumed that the qualifying entity would issue the Qualification Card?
- (3) Can the FETC or any other law enforcement agency charge a fee to qualify retirees? Such a fee would be used to cover the costs of the instructor(s), range costs, equipment costs (i.e. targets and ammunition) and of issuing a Qualification Card.
- (4) Section 221.23(a) seems to contradict § 221.23(c). If the retiree does not pay the requisite fee, per § 221.23(c), the Identification Card is not issued. However, § 221.23(a) mandates that the card be issued within 60 days with no exception made for the nonpayment of the fee.
- (5) Section 221.2 contains the definition of "certified law enforcement firearm instructor" which is identical to the definition contained in the statute. Unfortunately, many courses which rate firearms instructors are ignored by this definition. FETC firearms instructors can obtain firearms instructor ratings from the Board of Probation and Parole's Firearms Instructor Course and then be recognized to train for the FETC. This course is particularly relevant to the type of firearms instructors that the FETC

wishes to have as it is geared specifically toward probation and parole officers and not just police officers. What is the specific process that must be followed so that this course can be recognized?

- (6) Specifically referencing § 221.31(xiii), if the retiree qualifies on more than one weapon, can this be reflected on one card or must there be multiple cards issued?
- (7) The proposed regulations are silent with regard to what is acceptable ammunition for qualification purposes. Must a retiree qualify with the ammunition the agency's active employees carry? Can the agency require the retiree to bring his/her own ammunition to a qualification class?
- (8) The proposed regulations are silent with regard to the acceptable course of fire for purposes of qualifications. Will there be a standardized course of fire available for retirees or will this be determined on an agency by agency basis?
- (9) Referencing § 221.21(5), is it the intent that the proposed regulations apply to all former retirees? If someone retired 10 years ago and now wants to take advantage of these provisions, is the agency first required to put the retiree through its active employee qualification course of fire? This question is based upon the phrase "the State's standards for training and qualification for active law enforcement offers (sic)." What is meant by the State's standards?
- (10) Whose responsibility is to ensure that a retiree has met all of the eligibility requirements set forth in § 221.31?

Sincerely,



R. Scott Schlechter  
Chairman

cc: Todd Burns  
Executive Director

Linda Laub  
Deputy Chief Counsel

Sherry Tate  
Office of Legislative Affairs  
& Communications