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

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Subject: Comments Regarding Proposed Rulemaking for the Retired Law Enforcement Officer  
Identification and Qualification Cards, 37 PA CODE, CH 221

Dear Ms. Guido:

The purpose of this letter is to provide comments regarding the subject matter. Specifically, I will address regulatory review criteria which I believe have not been met. My specific comments and recommendations are:

1. Section 221.21 (3) (Eligibility) should be revised from "as a law enforcement officer for an aggregate of 15 years or more with the public agency" to "as a law enforcement officer for an aggregate of 15 years or more with a public agency." This is needed to make the Pennsylvania rule identical with Title 18, U.S.C., Section 926C which clearly states that identification cards shall only be issue to an individual who meets the following conditions:

a. Section 926C (c) (1) states "As used in this section, the term qualified law enforcement officer means an individual who -" "retired in good standing from the service with a public agency as a law enforcement officer".

b. Section 926C (c) (3) (A) states "before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more".

2. The term "public agency" is not defined and does not exclude Federal agencies. In fact, Section 926B states that a "qualified law enforcement officer" "Means an employee of a governmental agency". Your implementing regulations should define public agency. I recommend that the term be defined to include all Federal (to include military police), state and local law enforcement agencies having statutory arrest authority.

3. The phrase "before such retirement was regularly employed as a law enforcement officer for an aggregate of 15 years or more" should also be defined. The Federal statute does not require that the employment had to be with one agency and infers the term "aggregate" includes other public agencies such as the FBI, the Secret Service, and the Military. I recommend that the term "Aggregate" be defined to encompass all time served with all Federal (to include Military Police), state and local law enforcement agencies, as long as it was served prior to the retirement.

Because many of the above terms are not defined, your proposed regulations add confusion to someone such as myself whose background has unusual circumstances. I enlisted with the Pennsylvania State Police on August 15, 1968 and retired on September 12, 1979, a period of 11 years and 1 month. However, the State Employees Retirement System (SERS) documents my active state retirement as from September 13, 1963 through September 12, 1979, an aggregate period of 16 years, as I was given credit for 5 years of active military time which was served as a Military Policeman including 2 tours in Vietnam.

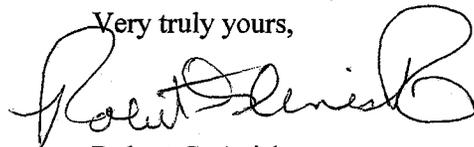
Additionally, prior to enlisting with the Pennsylvania State Police, I served on active military duty from June 19, 1961 through April 28, 1965, a period of 3 years and 10 months, and full time with the Pennsylvania Army National Guard as a Military Police Technician from October 1965 through August 1968, a period of 2 years and 10 months. The aggregate time served in these Federal law enforcement positions was 6 years and 8 months. Depending on the calculations from your proposed rules, my aggregate service could be anywhere from 11 years and 1 month to 17 years and 9 months.

Further, I also served in the U.S. Army Reserves as a Military Police Officer (Colonel) from February 1977 through November 2003, a period of 26 years and 3 months.

In conclusion, while the proposed regulations are mainly "on track" some provisions need to be clarified to prevent interpretation problems after the rules are implemented. I recommend that you consider my recommendations for inclusion into the proposed subject regulations to help with this clarification.

Thank you for your consideration.

Very truly yours,



Robert G. Anisko  
Pa. State Police (Ret.)  
Colonel (USA Ret.)