

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p><i>INDEPENDENT REGULATORY REVIEW COMMISSION</i></p>	
<p>(1) Agency Municipal Police Officers' Education and Training Commission</p>		<p>2014 OCT 10 PM 3:08 IRRC</p>	
<p>(2) Agency Number: 17 Identification Number: 76</p>		<p>IRRC Number: 3077</p>	
<p>(3) PA Code Cite: 37 Pa. Code Chapter 221</p>			
<p>(4) Short Title: Retired Law Enforcement Officers Identification and Qualification Cards</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Rudy Grubesky, Director, Training and Curriculum Development Section, M.P.O.E.T.C., 8002 Bretz Drive, Harrisburg, PA 17112, (phone 717-346-4086) (fax 717-346-7782), rgrubesky@pa.gov</p> <p>Secondary Contact: Major Marshall A. Martin, Director Legislative Affairs Office, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (phone 717-783-5566) (fax 705-1750), marshmarti@pa.gov.</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input checked="" type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>In 2004, the Gun Control Act of 1968 was amended to include 18 U.S.C. §§ 926B-926C, the Law Enforcement Officers Safety Act (LEOSA). LEOSA authorizes qualifying active and retired law enforcement to carry their firearms throughout the U.S. Pennsylvania enacted the Retired Law Enforcement Identification Act (RLEIA) in 2005 to provide for the identification/qualification of eligible retirees. In 2010, eligibility requirements in LEOSA for retired officers were changed. The amendments will conform the eligibility requirements in the RLEIA regulations to federal and state statutory law and allow them to mirror future changes without further amendment; typographic errors are also corrected.</p>			

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(8) State the statutory authority for the regulation. Include specific statutory citation.

The authority for this regulation is found in 53 Pa. C.S. § 753.7.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The amendments to the regulations are not specifically mandated by state law, federal law or case law, but the amendment is prompted by a change in federal law, specifically 18 U.S.C. § 926C, upon which the current regulations are based.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The amendment is needed to conform the existing regulations to state and federal statutory law. Due to a 2010 amendment to the federal statute which lowered eligibility criteria, MPOETC's existing regulations currently impose stricter eligibility requirements on retired law enforcement officers than are now required under federal law. The compelling interest public interest is in having the regulations be consistent with the governing state and federal statutes and in removing any ambiguity the current inconsistency may cause. It is unknown how many retired officers may benefit, but the approximately 300 RLEIA certified firearms instructors may benefit from the final-omitted regulations as they may be able to capitalize on the less restrictive standards. See No. 17 as well.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

None of the amendments are more stringent than federal standards; rather, they are intended to be consistent with the current federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation was not compared with that of other states. Due to the nature of this regulation, it is not believed to have any impact on Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No other regulations are known to be impacted or affected.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Individual members of the regulated community as well as the Pennsylvania Fraternal Order of Police have requested that amendments be made to bring sections 221.21 and 221.31 in line with federal law, consistent with the final-omitted regulations.

The individuals and groups are substantially as follows:

- 1. Fraternal Order of Police:**
 - a. Mark Koch, FOP Director of Legislative Affairs.**
 - b. James Walsh, FOP Legislative Committee.**
 - c. Richard Poulson, FOP legal counsel.**
- 2. Justice Seamus McCaffery, retired police officer.**
- 3. Senator Lloyd Smucker's Office, on behalf of constituents.**
- 4. Chief Richard Hileman, Carroll Valley Borough Police Department.**
- 5. Jane Tucker, retired police officer.**
- 6. LeRoy Cottrell, retired officer.**

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The regulation will affect eligible retired law enforcement officers, their former employing police department(s) and associated local government(s), county sheriffs, the RLEIA certified firearms instructors and the Municipal Police Officers' Education and Training Commission (MPOETC) itself. Under the final-omitted regulations, more former law enforcement officers will qualify to obtain identification and qualification cards. This will presumably require police departments to issue more identification cards, RLEIA certified firearms instructors to qualify more former officers and issue qualification cards, and county sheriffs to run more background checks. MPOETC will have to provide the cards and perform its other duties.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Retired law enforcement personnel will be required to comply with these regulations if they wish to avail themselves of the ability to carry a concealed weapon across state lines. It is difficult, if not impossible, to estimate an approximate number of individuals since that number fluctuates on a daily basis and/or is not clearly known to the Commission. There are approximately 1316 individuals who currently possess a RLEIA identification and qualification card who must comply to keep their cards, but how many more will be added is unknown.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

No businesses or small businesses will be affected by the amendment, except to the extent that a RLEIA-certified firearms instructor, as a private individual who qualifies law enforcement officers with a firearm to carry the same under RLEIA for a fee, will now have more potential clients and income. There are approximately 300 such instructors, though not all charge fees.

The final-omitted regulations are in the interest of the Commonwealth, as set forth in 53 Pa. C.S. §753.2(6), and is believed to have a positive impact on public safety as more qualified former officers will be armed and able to respond to an emergency or threat.

No organizations will be affected by the amendment.

It is difficult to estimate the number of individuals that the amendment will affect, as those currently certified were already presumably eligible.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The regulatory changes are in response to changes in governing federal law which will allow more retired law enforcement officers to lawfully carry firearms within and without the Commonwealth. This is in the interest of the Commonwealth, as set forth in 53 Pa. C.S. §753.2(6), and is believed to have a positive impact on public safety as more qualified former officers will be armed and able to respond to an emergency or threat. There are no known or recognized significant costs or significant adverse effects.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The change in the law will not likely have any significant fiscal impacts on the regulated community, which consists only of retired / former law enforcement officers. As stated above, it is possible that certain members of the regulated community may realize additional revenue as a result of the final-omitted regulations.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The change in the law may require local governments to issue more RLEIA-compliant identification cards as provided for under 53 Pa. C.S. §753.4. However, since the cost, up to \$15.00, may be charged to the requesting retired officer by the local government body, it is believed that little additional cost or savings will be associated with this change.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

This regulation is not anticipated to have any significant fiscal impact on state government. The only minimal costs, if any, would be borne by the Commission, including without limitation updating its website and forms. Also, some state agencies may need to issue more RLEIA-compliant identification cards as provided for under 53 Pa. C.S. §753.4. However, since the cost, up to \$15.00, may be charged to the requesting retired officer by the state government body, it is believed that little additional cost or savings will be associated with this aspect of the change.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no additional explicit or anticipated requirements of any kind required to implement the regulations as described above, as existing reporting and recordkeeping requirements are not being changed.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	N/A, \$ 0	N/A, \$ 0	N/A, \$ 0	N/A, \$ 0	N/A, \$ 0	N/A, \$ 0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N/A, \$ 0	N/A, \$ 0	N/A, \$ 0	N/A, \$ 0	N/A, \$ 0

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
 - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
 - (c) A statement of probable effect on impacted small businesses.
 - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
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- (a) **There are approximately 300 RLEIA certified firearms instructors, some of whom charge a fee to qualify a retired officer and may meet the definition of a small business.**
 - (b) **None projected.**
 - (c) **More retired officers may seek to qualify with a firearm.**
 - (d) **None.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions are provided for any group. The regulated community itself is limited to retired/former law enforcement officers.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There are essentially no alternatives which were considered, as no other options are applicable.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

None were considered due to the nature of the changes.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data was utilized in formulating the final-omitted regulations.

((29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The date by which the agency must receive public comments: | N/A |
| B. The date or dates on which public meetings or hearings will be held: | April 2013 |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | May 2013 |
| D. The expected effective date of the final-form regulation: | June 2013 |
| E. The date by which compliance with the final-form regulation will be required: | Upon publication as final form regulation. |
| F. The date by which required permits, licenses or other approvals must be obtained: | No permits or licenses are required. |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

After implementation, the MPOETC staff will continue their normal duties and review any and all RLEIA-related matters. This includes internal review of regulations as applied and frequent contact and discussion with the regulated community (i.e. active and retired municipal police officers and police organizations).

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

2014 OCT 10 PM 3:08

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:	Copy below is approved as to form and legality. Executive or Independent Agencies
BY: _____ (DEPUTY ATTORNEY GENERAL)	<u>Municipal Police Officer's Education and Training Commission</u> (AGENCY)	BY: _____ (Executive Deputy General Counsel Strike inapplicable title)
	DOCUMENT/FISCAL NOTE NO. 17-76	
DATE OF APPROVAL	<u>December 6, 2012</u> DATE OF ADOPTION	<u>MAR 28 2014</u> DATE OF APPROVAL
	BY: <u>Col Frank Noonan</u> Colonel Frank Noonan	
[] Check if applicable. Copy not approved. Objections attached. [] Check if applicable. No Attorney General approval or objection within 30 day after submission.	TITLE: <u>Chairman</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	

COMMONWEALTH OF PENNSYLVANIA

Title 37. LAW

Part IV. MUNICIPAL POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM

CHAPTER 221. RETIRED LAW ENFORCEMENT OFFICERS
IDENTIFICATION AND QUALIFICATION CARDS

FINAL-OMITTED REGULATIONS

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

37 PA CODE CHAPTER 221

RETIRED LAW ENFORCEMENT IDENTIFICATION ACT

The Municipal Police Officers' Education and Training Commission ("Commission") proposes to amend the regulations which are promulgated pursuant to the mandate of the Retired Law Enforcement Identification Act ("RLEIA"), 53 P.S. § 753.1, *et seq.* Specifically, the regulations in Chapter 221 of Title 37 of the Pennsylvania Administrative Code are being amended. Sections 221.21 (relating to Eligibility) and 221.31 (relating to Eligibility) will read as set forth in Annex A. It is also proposed to amend sections 221.34 (relating to Replacement; error or material change in information) and 221.35 (relating to Challenge to issuance of qualification card) to correct minor errors therein, as further set forth in Annex A.

Effective date

The final-omitted regulations will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

Statutory Authority

The final-omitted regulations are authorized under section 753.7 of the RLEIA (53 P.S. § 753.7).

Background and Need for the Amendment

In 2004, the Gun Control Act of 1968 was amended to include 18 U.S.C. §§ 926B-926C, known as the Law Enforcement Officers Safety Act (LEOSA). LEOSA authorizes qualifying state and local police to carry their firearms throughout the United States by preempting most state laws. This privilege is also extended to qualified retired law enforcement officers provided they possess appropriate identification and qualify with the firearm they carry. Pennsylvania law did not provide for identification cards or qualification cards for retired police, so RLEIA was enacted in 2005 to provide a uniform system for the identification and qualification of all eligible retired officers in light of the federal enactment related to such individuals.

The Commission was given the responsibility to administer RLEIA and to promulgate regulations. The regulations which were promulgated mirrored the original eligibility requirements for retired officers which were in LEOSA. However, LEOSA was amended by Congress in 2010, including changing the requirements for a retired officer to be eligible to carry a concealed firearm. The changes to the eligibility sections in the regulations are required to bring sections 221.21 and 221.31 into conformance with the 2010 amendments to federal law, specifically those changes to 18 U.S.C. § 926C (relating to carrying of concealed firearms by qualified retired law enforcement officers).

Sections 221.21 and 221.31 substantially track the pre-2010 LEOSA definition of a “qualified retired law enforcement officer.” The 2010 amendment to the definition primarily served to change references in 18 U.S.C. § 926C(c) from “retired” to “separated,” reduced the required years of service from fifteen (15) to ten (10), completely replaced the requirement to have certain rights to benefits in a retirement plan, and added a new subsection regarding mental health findings. *See* 18 U.S.C. § 926C and accompanying notes. The 2010 amendments also modified other sections, including language pertaining to firearms qualifications.

For the sake of consistency and clarity, the Commission believes that the regulations should be amended to reflect the 2010 amendments to the federal law. This will serve to make the regulation internally consistent, as the regulations already define a retired law enforcement officer in 37 Pa. Code. § 221.2 as “A qualified retired law enforcement officer as defined in 18 U.S.C. § 926C(c)[.];” this is also the definition used in RLEIA, in 53 P.S. § 753.3. The change will also further the intent of the original legislation, which was enacted by the Pennsylvania General Assembly to specifically address the federal mandate. *See* 53 P.S. § 753.2.

In consideration of the above, the Commission believes that issuance of identification cards to federally eligible individuals will be furthered by amending the regulation and removing any ambiguity.

The other changes in the final-omitted regulations are designed to correct minor typographical errors in the existing regulations.

Description of the Final-Omitted Regulations

The final-omitted regulations would amend sections 221.21 (relating to Eligibility) and 221.31 (relating to Eligibility) to be consistent in all respects with the 2010 amendment to 18 U.S.C. § 926C(c). This is accomplished by amending the aforementioned eligibility sections to track the current federal law by specifically referencing the definition of retired law enforcement officer in federal law as the regulation and law already do in 37 Pa. Code § 221.2 and 53 P.S. § 753.3, respectively. As shown in Annex A, changes were made to § 221.21 by eliminating subsections (1)-(5) and simply stating the individual must meet the definition of a retired law enforcement officer. Section 221.31 was also changed to include a similar requirement and language was added to former subsections (iv) and (v), which are all renumbered.

The changes to sections 221.34(b) and 221.35 are for the purpose of correcting typographical errors in each. Section 221.34(b) should read “certified law enforcement firearm instructor” where it currently says “public agency” and § 221.35 incorrectly references an “identification card” when it should reference “qualification card.”

Fiscal Impact and Paperwork Requirements

The final-omitted regulations will have no known adverse fiscal impact on the Commonwealth, its political subdivisions or the regulated community.

The final-omitted regulations will impose no known additional paperwork requirements upon the Commonwealth, political subdivisions or the regulated community.

Contact Person

Further information is available by contacting the following:

Rudy M. Grubesky
Director, Training and Curriculum Development Section
Municipal Police Officers' Education & Training Commission
Pennsylvania State Police
8002 Bretz Drive, Harrisburg, Pennsylvania 17112
Phone: 717.346.7755 | Fax: 717.346.7782

Regulatory Review and Public Comment

Under section 5a(c) of the Regulatory Review Act (71 P.S. 745.5a(c)) the Commission submitted a copy of the final-omitted regulations and a copy of the regulatory analysis form to the Independent Regulatory Review Commission ("IRRC"), the Chairperson of the House and Senate Committees, and the Office of Attorney General on ~~OCT. 10, 2014~~. A copy of this material is available to the public on request.

These regulatory changes are of such a nature that the requirements regarding public notice and comment in 45 P.S. §§ 1201-02 are unnecessary because the only persons affected are certain retired law enforcement personnel who are generally aware of this change and in favor of it, pursuant to 45 P.S. § 1204(3). Moreover, the changes do not alter eligibility requirements for retired officers who are already eligible, but rather broadens eligibility for retired or separated officers to carry a concealed firearm under LEOSA. While not required, notice will be given to certain major groups representing retired law enforcement, including the State Fraternal Order of Police.

Under section 5a(j.2) of the Regulatory Review Act, on _____, these final-omitted regulations were (deemed) approved by the House and Senate Committees. Under section 5a(e) of the Regulatory Review Act, IRRC met on _____ and approved the final-omitted regulations.

Colonel Frank Noonan
Commissioner of the Pennsylvania State Police
Chairman of the Municipal Police Officers' Education and Training Commission

ANNEX A

Title 37. Law

Part IV. Municipal Police Officers' Education and Training Commission

Subpart B. Retired Law Enforcement Identification and Qualification

Chapter 221. Retired Law Enforcement Officers Identification and Qualification Cards

Subchapter B. RETIRED LAW ENFORCEMENT IDENTIFICATION CARDS

§ 221.21. Eligibility

An identification card shall only be issued to an individual who meets the definition of a retired law enforcement officer. [the following conditions:

- (1) Retired in good standing, for reasons other than mental instability, from service with a public agency as a law enforcement officer as determined by the current head of that public agency.
- (2) Before retirement was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.
- (3) Before retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired from service with a public agency, after completing any applicable probationary period of service, due to a service-connected disability, as determined by the public agency.

(4) Has a nonforfeitable right to benefits under the retirement plan of the public agency.

(5) Is not prohibited by Federal law from receiving or possessing a firearm.]

* * * * *

Subchapter C. Qualification Card

§ 221.31. Eligibility.

An individual [retired law enforcement officer] shall be eligible for a qualification card if the individual [the retired law enforcement officer] meets all of the following conditions:

(1) Resides in this Commonwealth.

(2) Meets the definition of a [Is a] retired law enforcement officer.

(3) [and prior] Prior to each annual qualification, completes a Pennsylvania Retired Officer Concealed Carry Acknowledgement, on a form prescribed by the Commission, attesting to all of the following, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and meets the following conditions:

[(i) Prior to retirement, the applicant was employed as a law enforcement officer for an aggregate of 15 years or more or retired from service with a public agency after completing any applicable probationary period of service, due to a service-connected disability, as determined by the public agency.]

(i)[(ii)] The applicant intends to fire and carry a revolver, semiautomatic or automatic weapon.

(ii)[(iii)] The applicant is a retired law enforcement officer.

(iii)[(iv)] The applicant retired or separated in good standing, specifying the public agency, city and state from which the applicant retired or separated.

(iv)[(v)] The applicant did not retire or separate for reasons of mental instability.

(v)[(vi)] The applicant is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(vi)[(vii)] The applicant will not carry a firearm while under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(vii)[(viii)] The applicant is not prohibited by Federal or State law from receiving or possessing a firearm.

(viii)[(ix)] The applicant understands and acknowledges that the definition of a firearm does not include any machine gun, firearms silencer, destructive device or prohibited offensive weapon.

(ix)[(x)] The applicant understands and acknowledges that the person shall meet the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the applicant's concealed weapon.

~~(x)~~~~(xi)~~ The applicant understands and acknowledges that when carrying the concealed weapon, the applicant shall carry Pennsylvania's qualification card, along with the identification card issued under § 221.23 (relating to identification card issuance) or identification issued by another public agency satisfying the requirements of 18 U.S.C. § 926C(d) (relating to carrying of concealed firearms by qualified retired law enforcement officers).

~~(xi)~~~~(xii)~~ The applicant understands and acknowledges that the qualification card expires 12 months from the date of issue and it is the applicant's responsibility to reapply if the applicant wants to continue to carry the weapon under the act and this chapter.

~~(xii)~~~~(xiii)~~ The applicant understands and acknowledges that this authorization applies only to the type of weapon with which the applicant qualified.

~~(xiii)~~~~(xiv)~~ The applicant understands and acknowledges that Pennsylvania's certification does not give him any right whatsoever to exercise law enforcement authority or take police action under any circumstances.

~~(xiv)~~~~(xv)~~ The applicant understands and acknowledges that a background investigation is required and authorizes one to be conducted to determine if the applicant has been convicted of any criminal offenses or has any mental health issues that would disqualify the applicant from possessing a concealed weapon.

~~(xv)~~~~(xvi)~~ The applicant has not been charged with nor convicted of any felony or misdemeanor in this Commonwealth or any similar offenses under any other State or Federal law that would prohibit the applicant from possessing a firearm.

* * * * *

§ 221.34. Replacement; error or change in material information.

* * * * *

(b) Error or change in information. If any information on a qualification card has changed, or is in error, from the information originally set forth, the retired law enforcement officer shall apply to the [public agency,] certified law enforcement firearm instructor and submit the required fee, for a new qualification card within 15 days of the change or discovery of the error. A fee will not be charged if the [public agency] certified law enforcement firearm instructor caused the error to occur.

* * * * *

§ 221.35. Challenge to issuance of qualification card.

The Commission will have standing to contest issuance of any [identification] qualification card subject to §§ 203.101—203.103.



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

October 10, 2014

The Honorable John F. Mizner
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Dear Chairman Mizner:

On behalf of the Pennsylvania State Police, I respectfully submit the attached packet for Final Regulation with Notice of Proposed Rulemaking Omitted, ID Number 17-76, relating to retired law enforcement officer's identification and qualification cards. Specifically, the changes made to Title 37 Pa. Code Chapter 221 will:

- Bring the regulations supporting the Commonwealth's Retired Law Enforcement Identification Act (RELIA) into conformance with existing federal and state statutory law;
- Allow the regulations to mirror future changes without the need for further amendment; and
- Make corrections to existing typographical errors.

Should you have any questions or concerns regarding this regulatory change, I may be reached by telephone, at 717-705-1749 or by email, at rkrol@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "LT. Robert J. Krol, Jr.".

Lieutenant Robert J. Krol, Jr.
Legislative Affairs Office
Pennsylvania State Police

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 17- 76
SUBJECT: MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM – IDENTIFICATION AND QUALIFICATION CARDS
AGENCY: PENNSYLVANIA STATE POLICE

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- X Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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IRRC

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON JUDICIARY</i>
10/10/14	<i>[Signature]</i>	MAJORITY CHAIR <u>Hon. RON MARSICO</u>
10/10/14	<i>[Signature]</i>	MINORITY CHAIR
		<i>SENATE COMMITTEE ON LAW AND JUSTICE</i>
10/10/14	<i>[Signature]</i>	MAJORITY CHAIR <u>Hon. CHARLES MCILHINNEY</u>
10-10-14	<i>[Signature]</i>	MINORITY CHAIR
10/10/14	<i>[Signature]</i>	<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
	<i>[Signature]</i>	<i>ATTORNEY GENERAL (for Final Omitted only)</i>
		<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>