



HR 218 National Concealed Carry for Law Enforcement Officers Safety Act (LEOSA)

Okay, what is HR 218?

...an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

For whom does HR 218 apply?

This law applies to persons who meet the definition listed below of a "Qualified Law Enforcement Officer."

qualified law enforcement officer means an employee of a governmental agency who--

` (1) is 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 has statutory powers of arrest;

` (2) is authorized by the agency to carry a firearm;

` (3) is not the subject of any disciplinary action by the agency;

` (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

`(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

`(6) is not prohibited by Federal law from receiving a firearm.

What kind of "Identification" is Necessary Under HR 218?

(d) The identification required by this subsection is the **photographic identification** [emphasis added] issued by the governmental agency for which the individual is employed as a law enforcement officer.

What Does HR 218 Prohibited me from Carrying?

(e) As used in this section, the term `firearm' does not include--

`(1) any machinegun (as defined in section 5845 of the National Firearms Act);

`(2) any firearm silencer (as defined in section 921 of this title); and

`(3) any destructive device (as defined in section 921 of this title).

What About us Retired Guys?

Yes, HR 218, the Law Enforcement Officer Safety Act of 2004, applies to retired officers who meet the law's definition of "qualified retired law enforcement officer."

How does the Law Define "Qualified Retired LEO?"

(c) As used in this section, the term `qualified retired law enforcement officer' means an individual who--

- ` (1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- ` (2) before such 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) (A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
- ` (B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- ` (4) has a non-forfeitable right to benefits under the retirement plan of the agency;
- ` (5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;
- ` (6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- ` (7) is not prohibited by Federal law from receiving a firearm.

What about Identification for Retired Officers?

(d) The identification required by this subsection is--

- ` (1) a **photographic identification** [emphasis added] issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or


`(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

`(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

Source: <http://njlawman.com/Feature%20Pieces/HR%20218.htm>

TEXAS REQUIREMENTS:

Here is what I went through in Texas.

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is the organization you must apply with. Once you have your NCIS credentials you must complete the [TCLEOSE form](#)  for Retired Federal or Out of Stated Officers. The form that I have attached contains the instructions. There is a \$25.00 fee. You must also provide proof of firearms proficiency which is the 2nd form. That outlines the annual qualification requirement. A TCLEOSE Firearms instructor or a Concealed Handgun License Instructor must complete the certification part of the form. Once the 2 forms are completed and the \$25 fee paid it takes about 30-60 days to get your laminated Retired Fed card back from TCLEOSE. The card expires 12 months after the last firearms qualification. Each year you must complete both forms again and pay the \$25.00.

Where I currently work at Lockheed Martin, I have access to both CHL Instructors and a TCLEOSE Instructor so the firearms part is not a problem. Obtaining the retired Fed card under the law has nothing to do with obtaining a Concealed Handgun License other than a CHL Instructor can certify firearms proficiency/ TCLEOSE administers the process for TX.

Source: Officer **Glenn Pfeiffer**

www.tcleose.state.tx.us - (512) 936-1035

TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION
6330 E. Highway 290, STE. 200
Austin, Texas 78723-1035
Phone: (512) 936-7700
<http://www.tcleose.state.tx.us>

Retired Federal or Out-of-State Officer Firearms Certificate
Texas Occupations Code §1701.357

Non-refundable \$25 fee must be included, Cashier's Check or Money Order (5117)

Submit PID Assignment form if TCLEOSE PID has not been issued. Call (512) 936-7700 if questions.

APPLICANT INFORMATION
Type or Print

1. TCLEOSE PID <small>Required</small>	2. Last Name	3. First Name		4. M.I.	5. Suffix (Jr., etc.)
6. Race / Ethnicity <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Multicultural <input type="checkbox"/> White		7. Date of Birth / /	8. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	9. Driver's License State: Num.:	
10. Home Mailing Address		11. City	12. State	13. Zip Code	14. Phone Number

Applicants must be a qualified retired law enforcement officer, residing in Texas, who are entitled to carry a concealed firearm under 18 U.S.C. Section 926C.

Check all that apply

- Retired Federal Officer (as designated in Article 2.122 Texas Code of Criminal Procedure)
- Retired Out-of-State Officer
 - Initial Application (Firearms Proficiency expires 12 months from qualification month)
 - Renewal Application (Photo on file will be used. Attach current certificate of firearms proficiency)

NOTE: Application for renewal should be made 45 days prior to renewal. Current cards expiration date _____.

To qualify, an applicant for a Retired Federal/Out-of-State Peace Officer Firearms Proficiency Certificate must meet all proficiency requirements including submission of:

- (1) Certified or notarized copy of retired credentials as:
 - (a) a peace officer from another state of the United States;
 - (b) a federal criminal investigator designated as a special investigator under Article 2.122, CCP; or
 - (c) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C and is not otherwise described by Subdivision (1) or (2).
- (2) A sworn affidavit stating:
 - (a) the officer honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies;
 - (b) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer;
 - (c) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency; and
 - (d) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun;
- (3) A color passport photo with applicant's signature on back; and
- (4) Meet the firearms proficiency requirements for handgun as established in Commission Rule §217.21(c)(1).

I, the applicant, attest that I meet the requirements for issuance of a Retired Federal/Out-of-State Officer Firearms Proficiency (1701.357 OC) and have enclosed the non-refundable \$25 fee (cashier's check or money order).

I, the applicant, am fully aware that this application is a government document and, under penalty of perjury, I declare the foregoing information to be true and correct.

Signature of Applicant

Date

CERTIFICATE OF FIREARMS PROFICIENCY
(Commission Rule §217.21(c)(1))

Applicant

First Name	M.I.	Last Name	TCLEOSE PID
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Firearms Instructor

First Name	M.I.	Last Name	<input type="checkbox"/> TCLEOSE Firearms Instructor <input type="checkbox"/> CHL Instructor # _____
Law Enforcement Agency/Business Name		Mailing Address	
City	County	Zip Code	Telephone Number
Range Location (if other than the above address)			Date of Qualification

I, _____, certify that the above-named applicant has met the minimum

Firearms/CHL Instructor

Firearms proficiency requirements as established in Commission Rule §217.21 (c)(1) under the following conditions:

- (1) B-27 or similar silhouette target;
- (2) Combat scoring;
- (3) A minimum of 50 rounds, including at least five rounds of duty ammunition;
- (4) Fired at ranges from point blank to at least 15 yards with a least 20 rounds at or beyond seven yards;
- (5) Including at least one timed reload; and
- (6) Minimum passing percentage of 70 (175 out of a possible 250 for 50 rounds).

I am fully aware that this firearms proficiency certification is a government document and, under penalty of perjury, I declare the foregoing information to be true and correct.

Signature of Firearms/CHL Instructor

Date

Affidavit

I, _____, do swear or affirm that I meet the requirements established in the Texas

Applicant

Occupations Code §1701.357 Weapons Proficiency for Certain Retired Peace Officers and Federal Criminal Investigators and Chapter 44, Title 18, United States Code, Section 926C(c) Qualified Retired Law Enforcement Officers. I am honorably retired (benefits eligible) after not less than a total of 15 years of service as a commissioned peace officer with one or more state or local law enforcement agencies or federal criminal investigator as designated by the Texas Code of Criminal Procedure Article 2.122-, or a qualified retired law enforcement officer under Chapter 44, Title 18, United States Code, Section 926C. My license or authority as a commissioned officer was never revoked or suspended for any period during my term of service as a commissioned officer. I was not retired for reasons of mental instability and have no psychological or physical disability that would interfere with the proper handling of a handgun. I have met the minimum qualifications for a handgun as established in Commission Rule §217.21(c)(1).

Signature of Applicant

Date

Sworn to and ascribed before me the undersigned official on this _____ day of _____, _____.

Notary Public

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I hope this answers a lot of your questions.

George D. Little

**George D. Little, Badge #1453
Deputy Chief, INTEL – Homeland Security & Training
TCOLE TRAINING COORDINATOR
Bexar County Constable Office PCT#4
TCOLE PID# 12221
Cell: (210) 379-4919 Office: (210) 335-4950 or 4952**

