

Chapter 20 – Use of Force & Weapons Qualification

Directives Manual Revision Date: 12/28/15



Section XI – LEOSA Certification for Retired Officers

1. Purpose

1.1 The purpose of this policy is to establish guidelines for the implementation of the Law Enforcement Officers Safety Act of 2004 for officers who have retired from the MDTAP. There is no requirement for the MDTAP to conduct LEOSA training for, or issue LEOSA certification to its retirees.

2. Definitions

2.1 LEOSA - Law Enforcement Officers Safety Act of 2004 (formerly known as “H.R. 218”); federal law generally exempting qualified current and retired law enforcement officers from State law restrictions on carrying concealed firearms.

2.2 LEOSA Certification – Recognition by either the department from which an officer retired or the State of Maryland that the retired officer meets LEOSA’s qualification criteria and has met either the MDTAP’s annual firearms training and qualification standards for active officers or the State of Maryland’s annual firearms training and qualification standards set by the Maryland Police Training Commission’s firearms training certification regulations.

2.3 Qualification – Achieving a passing score during live fire using the same target, ammunition, and course required of active law enforcement officers qualifying with off-duty firearms. Retirees must provide their own ammunition.

2.4 Qualification Criteria – Eligibility criteria of 18 U.S.C. §926C(c) that retired officers must meet for LEOSA certification.

2.5 Qualified Retired Law Enforcement Officer – An officer who has retired in “Good Standing” from service with a public law enforcement agency and meets the LEOSA eligibility criteria of 18 U.S.C. §926C(c). The retiree must not be prohibited by federal law from receiving a firearm, including, but not limited to, the following persons restricted from transporting or possessing a firearm under 18 U.S.C. §922(g):

- A person convicted, in any court, of a crime punishable by imprisonment for a term exceeding one year.
- A person unlawfully using, or addicted to, any controlled dangerous substance, as defined in section 102 of the Controlled Substance Act, 21 U.S.C. §802.

- A person who has been adjudicated as a mental defective or committed to a mental institution.
- A citizen of the United States who has renounced his or her citizenship.
- A person convicted in any court of a misdemeanor crime of domestic violence.
- A person subject to a court order that was issued after a hearing for which he or she received actual notice, at which he or she had the opportunity to participate, if that order restrains him or her from harassing, stalking, or threatening an intimate partner or the child of the intimate partner, or engaging in other conduct that would place either of them in reasonable fear of bodily injury, and includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

2.6 Retirement in “Good Standing” - At the time of retirement, the officer was not under investigation, or subject to disciplinary actions for any violation of any criminal laws or the MDTAP’s code of conduct. Any pending administrative charges and/or issues must be adjudicated or resolved prior to separation from the department.

3. Policy

3.1 The MDTAP will provide qualified retired MDTAP officers and current MDTA employees that have retired from other law enforcement agencies the opportunity to meet the annual firearms qualification training standards used for active duty officers.

3.1.1 The MDTAP Command reserves the right to refuse a retired officer from qualifying at the range used by the MDTAP. The Commander of Personnel Command will oversee the LEOSA program;

- Application Process
- Criminal Background Check
- Mental Wellness Check
- Retention of Certified files

3.1.2 Applications received from anyone who qualified for or received a disability retirement will be evaluated on a case by case basis.

Chapter 20 – Use of Force & Weapons Qualification

Directives Manual Revision Date: 12/28/15



3.2 All handguns used in the LEOSA qualification process must be state registered weapons made by one of the following manufacturers:

- Beretta
- Colt
- Smith and Wesson
- Taurus
- Sig Sauer
- Glock
- Ruger
- Walther
- H & K

3.3 Revolvers must be capable of firing double action and have a cylinder capable of holding at least five rounds. The barrel length will not be less than 2” and will not exceed 6”. The following revolvers are approved for use:

- .38 Special with .38 Cal. Ammunition
- .357 Magnums with 38 Cal. or .357 Cal. Ammunition

3.4 Semi-automatic pistols, if equipped with an external hammer, must be equipped with a de-cock lever which will allow the cocked hammer to be lowered without pulling the trigger. The first shot will be double action design and the caliber may not be less than .380 and no greater than .45.

3.5 Retirees will be responsible for acquiring a form 143 from the Commander of Personnel Command. The completed form 143 must be submitted to the Commander of Personnel Command no less than 45 days prior to a qualifying range date so the background investigation process may be completed before being allowed to qualify. Range qualification for retirees will be held on the second Monday in the months of January, April, July and October. In the event of a holiday or severe weather event, the Range Master will provide an alternate qualifying range date. The Range Master will provide qualified retirees with a signed copy of Form 143 Page 5, MPCTC Firearms Qualification form, before the retiree leaves the range. The retiree will present the form to the Security Unit when requesting a new Retired LEOSA Certification card.

3.5.1 The Personnel Command will maintain a file of the Qualified Retired Law Enforcement Officer Applications for Certification to Carry a Concealed Firearm for three years beginning on the date of certification.

3.6 Qualified retired MDTAP officers and current MDTA employees that have retired from other law enforcement agencies that meet the MDTAP’s standards for annual firearms training and qualification will be issued a photographic retired LEOSA Certification card indicating that they have met the annual firearms training and qualification standards. The card will include the name of the qualified retired officer, expiration date, firearm type(s), and advice that the card must be carried while carrying a concealed firearm. The Retired LEOSA Certification Card is a stand-alone card separate from any other agency issued identification card(s).

3.6.1 Qualification is valid for one year. Retirees are responsible for scheduling their annual qualification date with the Range Master and reporting to the Security Unit for an updated certification card.

3.7 The Range Master and the Security Unit will advise all qualified retired officers that, while LEOSA certification exempts them from State laws prohibiting the carrying of concealed firearms, LEOSA certification gives them absolutely no law enforcement authority, no statutory or qualified immunity for their actions, no right to possess a firearm in violation of federal law, and no exemption from State laws restricting the possession of concealed firearms on State, local, or private property.