



## **FIREARMS GUIDELINES (RETIRED OFFICERS)**

### **Directive: 8 - 105**

Date of Issue: July 2013    Amends/Cancel: G.O. 09-12

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#### **I. PURPOSE**

The purpose of this Directive is to establish guidelines for Annual Firearms Qualification – (Retired Officers)

#### **II. POLICY**

- A. The Law Enforcement Officers Safety Act of 2004 (LEOSA) was enacted on July 22, 2004 as Public Law 108-277, and is codified as 18 U.S. Code A. The Law Enforcement Officers Safety Act of 2004 (LEOSA) was enacted on July 22, 2004 as Public Law 108-277, and is codified as 18 U.S. Code §926C. The Act permits active and retired law enforcement officers to carry their firearms concealed nationwide. Additionally, the Act establishes criteria that those individuals must meet annually in order to qualify as an active or retired law enforcement officer entitled to carry concealed firearms.
- B. It is the intent of the Department of General Services Maryland Capitol Police (DGS-MCP) to offer its qualified retired Police Officers the opportunity to participate in annual firearms qualifications. Such qualification will be done in conformity with the LEOSA, federal and State law, and DGS policies, rules and regulations.

#### **III. DEFINITION**

- A. Approved firearms training – Firearms classroom instruction or range qualification training that has been approved by the Maryland Police Training Commission.
- B. Certified firearms instructor – Individual who meets the firearms instructor certification standards set forth in MPTC regulations.
- C. LEOSA – Law Enforcement Officers Safety Act of 2004. A federal law generally exempting qualified current and retired law enforcement officers from state law restrictions on carrying concealed firearms.
- D. 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: (1) the department’s annual firearms training and qualification standards for active officers; or (2) the State’s annual firearms training and qualifications standards.

- E. Qualification – Achieving a passing score during live fire utilizing the same target, ammunition, and course required of active law enforcement officers qualifying with off-duty firearms.
- F. Qualification Criteria – Eligibility criteria of 18 U.S.C. §926C that retired officers must meet for LEOSA certification.
- G. 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.

#### **IV. QUALIFICATION CRITERIA**

In order to qualify the privilege of carrying a concealed firearm, the LEOSA requires that a retired Police Officer:

- A. Must be retired in good standing from service with the Department of General Services Maryland Capitol Police as a law enforcement officer, other than for reasons of mental instability;
- B. 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;
- C. Before such retirement:
  - 1. Was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
  - 2. Was retired from service from the Department, after completing a required probationary period, because of a service-connected disability.
- D. Has a non-forfeitable right to benefits under the retirement plan of the Department.
- E. During the most recent 12 month period, has met the training and qualification standards of the State of Maryland for active law enforcement officers to carry firearms. In the State of Maryland, instruction by a certified instructor is required annually in addition to attaining a qualifying score on the firing range. Thus, the retired officer must receive the instruction and re-qualify on the firing range.
- F. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- G. Is not prohibited by State or federal law from receiving a firearm.

## **V. FIREARMS TRAINING**

A. Classroom Instruction – The classroom portion of the training will be a minimum of two (2) hours, as required by COMAR, and include:

1. Firearm Safety, including, but not limited to, at home, while training, storage, transporting in a vehicle, and the wearing/carrying of a handgun on one's person.
2. Firearm care, cleaning and maintenance.
3. Marksmanship fundamentals, range safety and the qualification course.
4. Legal Issues involving the carrying, wearing, transporting and use of firearms.

B. Range firearm qualification – The retiree will be required to:

1. Bring 150 rounds of ammunition for each handgun. Each qualified retired officer will be afforded the opportunity, whenever feasible, to qualify with two handguns. If circumstances don't permit each officer to qualify with two handguns, qualification may be limited to one handgun. A qualifying score is 70%.
2. Bring his or her own handgun(s), ammunition and cleaning supplies. The Department will supply eye and ear protection. Eye and ear protection must be worn on the range. The handgun(s) must be brought to the range unloaded and in a case or secured in a holster.
3. Use a belt holster that allows the firearm to be drawn from the strong side. (Cross draws, waist bags or "funny pack" type holsters, ankle holsters and the use of pants pockets will not be allowed for safety reasons.) Semi-automatic pistol holster must completely cover the trigger guard when the pistol is holstered.
4. Wear long pants with a belt. No shorts or sweat pants. All firing is outdoors.
5. Display a valid retired DGS-MCP ID and a current driver's license.
6. Fire the exact same courses that active Police Officers must fire in order to achieve qualification.
7. Obey all instructions of the firearms instructors. Any determination by a firearms instructors concerning safety or equipment will be final.

## **VI. SAFETY AND SECURITY**

### **A. All handguns must:**

1. Be clean and in excellent working condition prior to arriving at the range.
2. Be capable of firing at least five rounds without reloading.
3. Have all safety features originally in the firearm intact.
4. Have a full trigger guard and no trigger shoes.
5. Have a barrel length of minimum 2", maximum 4".

### **B. Revolvers must:**

1. Have double action capability. If single action capable, must have a trigger pull of no less than 2.5 pounds.
2. Have hammer block safety or transfer bar system that prevents firing unless trigger is pulled fully to the rear.

### **C. Semi-Automatic Pistols must:**

1. Have firing pin block or similar passive device that positively blocks the firing pin from forward travel unless the trigger is pulled fully to the rear.
2. Have a trigger pull no less than 3.5 pounds.

### **D. Sights:**

1. Must have open sights, fixed or adjustable.
2. No special optical, mirror, telescopic, or other sighting system other than would normally be found on a police service handgun.

### **E. Ammunition:**

1. Only calibers .38, .380, .357, .40, .45, 9mm and .44 will be fired on the range for qualification.
2. All ammunition must be new and factory manufactured by Remington, Winchester, Smith & Wesson or Federal.

## **VII. REPAIRS AND MAINTENANCE**

- A. All qualified retired DGS-MCP officers wishing to qualify/re-qualify with their handgun(s) will be responsible for inquiring as to available dates, times, requirements, procedures, etc. The DGS-MCP will not send out notices or other reminders when the Department will be conducting firearms qualifications, changes in policies, procedures, requirements, etc.
- B. All qualified retired DGS-MCP officers interested in qualifying with a firearm must make an appointment with the range master and then arrive at the appropriate facility for classroom instruction and firing range qualification on the scheduled date and time.
- C. The retired officer must present to a certified firearms instructor his driver's license, valid retired DGS-MCP ID, a State of Maryland Application for Certification to Carry a Concealed Firearm that has been completed, including the affidavit (except copy of this for (Guidelines for Annual Firearms Qualification – Retired Officers).
- D. A certified firearms instructor will check the retired officer's identification and both forms. The instructor will keep the signed copy of this form.
- E. In order to meet LEOSA certification, the qualified retired officer must attend the full two hours of instruction and achieve a qualifying score of 70% for both day and low light each firearm fired on the range.
- F. A certified firearms instructor will inspect each handgun to be fired on the range to ensure functionality and safety on the range. In the event that a firearms instructor disapproves a handgun for firing on the range, the weapon will be immediately removed from the range and secured off the range until the qualifying retired officer is finished firing. Any determination by a firearms instructor concerning safety or equipment will be final.
- G. All directives and commands by a firearms instructor will be obeyed. Anyone refusing to comply with a request or obey the direction or command of firearms instructor will be asked to leave the facility.
- H. If a qualified retired officer fails to qualify, he or she will be given two additional chances to successfully complete qualification.
- I. After achieving qualification on the range, the firearms instructor will write the MPTC Course Number on the second page of the Application for Certification to Carry a Concealed Firearm (in the space provided for Agency/Location).
- J. Qualified retired officers are required to meet the firearm and training standards annually. In order to maintain a valid LEOSA certification, retired officers must qualify prior to the expiration date on the card(s).

## **VIII. WAIVER & RELEASE – FORM ATTACHED**

**DEPARTMENT OF GENERAL SERVICES  
MARYLAND CAPITOL POLICE**



**FIREARMS WAIVER AND RELEASE**

I, \_\_\_\_\_, am a retired Police Officer of the Department of General Services who is eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 U.S. Code §926C). I recognize that the Department of General Services is not legally required to provide firearms qualification course or firearms instruction to retired Police Officers.

I understand that to do so, I will be required to fire my weapon under the direct supervision of the Department of General Services Maryland Capitol Police (DGS-MCP) instructors. I agree to indemnify and hold harmless the State of Maryland and Department of General Services, or its agents and employees, for any injury caused by my participation in this qualification process.

I further waive any claim for damages against the State of Maryland and Department of General Services, or its agents and employees, from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act of 2004, including, but not limited to, civil litigation.

I acknowledge and understand that LEOSA certification does not give me any law enforcement authority whatsoever, no statutory or qualified immunity for my actions, no right to possess a firearm in violation of federal law, and no exemption from state laws restricting the possession of concealed weapons on state, local, or private property. I have read and understand all guidelines contained in this document.

\_\_\_\_\_  
(Signature of qualified retired Police Officer)

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(Signature of Range Officer)