

## 515 CMR: MASSACHUSETTS STATE POLICE

### 515 CMR 6.00: LAW ENFORCEMENT OFFICERS SAFETY ACT TRAINING AND QUALIFICATION STANDARDS AND INSTRUCTOR CERTIFICATION

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#### 6.01: Purpose

The purpose of 515 CMR 6.00 *et seq.* is to provide rules and regulations governing the certification of qualified retired law enforcement officers, instructors, and course curricula for the purpose of complying with the Law Enforcement Officers Safety Act of 2004.

#### 6.02: Statutory Authorization

515 CMR 6.00 is promulgated pursuant to M.G.L. c. 140, § 131(r) and Chapter 44 of Title 18 of the United States Code.

#### 6.03: Definitions

As used in 515 CMR 6.00:

Colonel: The Colonel of the Massachusetts Department of State Police or his or her designee.

LEOSA: Law Enforcement Officers Safety Act of 2004 as codified in Chapter 44 of Title 18 of the United States Code.

LEOSA Card: The Law Enforcement Officers Safety Act Training and Qualification Card, which shall serve as proof of training certification issued pursuant to 515 CMR 6.00.

LEOSA Instructor: A firearms instructor certified by the Colonel to issue a LEOSA Card to a qualified retired law enforcement officer.

LTC: License to Carry Firearms, as set forth in M.G.L. c. 140, § 131.

MPTC: Municipal Police Training Committee.

NRA: National Rifle Association.

Qualified Retired Law Enforcement Officer: 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 nonforfeitable right to benefits under the retirement plan of the agency;

(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.

Student: A qualified retired law enforcement officer taking a LEOSA course.

Valid Retired Law Enforcement Officer Identification Card: A card issued pursuant to 501 CMR 13.00 *et seq.*

#### 6.04: LEOSA Instructor Certification

(1) Requirements: For certification as a LEOSA Instructor, a person shall provide documentation of:

(a) A valid LTC; and

(b) Current status as at least one of the following:

(1) a Law Enforcement Firearms or Personal Protection Instructor from the NRA, or other nationally recognized organization that teaches personal protection, practical handgun skills, and the proper use of force with a firearm, or a firearms instructor certified by such organization;

(2) a federal, state, or municipal law enforcement firearms instructor;

(3) a United States military firearms instructor;

(4) a firearms instructor of the MPTC, or a firearms instructor certified by the MPTC;

(5) a firearms instructor of a firearms manufacturer or its academy, or a firearms instructor certified by such academy; or

(6) any other person, in the discretion of the Colonel, competent to give instruction in a LEOSA course which may include any person who operates a firearms training program as described in 515 CMR 6.05.

(2) Basic Firearms Safety Instructors: Certification as a Basic Firearms Safety Instructor in accordance with 515 CMR 3.00 is separate and distinct from LEOSA Instructor certification. Basic Firearms Safety Instructor certification does not guarantee LEOSA Instructor certification nor is it a prerequisite for such certification.

(3) Application: An application for certification as a LEOSA Instructor can be obtained by writing to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702 or by visiting [www.mass.gov/msp](http://www.mass.gov/msp). Upon completing the application and submitting the application fee, as set forth in the application, and required documentation, the package can be mailed or delivered to the same address. The Colonel may require additional verifying or other information, such as suitability information, as deemed necessary before issuing certification. Certification or non-approval will be mailed to the applicant.

(4) Instructor Certification: Certification as a LEOSA Instructor shall be valid for a period of ten years, unless sooner revoked for failing to meet the licensing standards for a LTC, LEOSA Instructor standards, or because of unsuitability, in the discretion of the Colonel. Each LEOSA Instructor's Certificate shall be on a form prescribed by the Colonel and shall be designated a unique number.

(5) Certified Instructor Obligation: The LEOSA Instructor shall:

(a) Require students to complete an application prescribed by the Colonel to be completed upon certification. The application, signed and dated by the student, shall be maintained by the instructor for a period of one year. A copy of the application may also be given to the student.

(b) Ensure before or on the course date that the student has in his or her possession, a valid retired law enforcement officer identification card issued by the law enforcement agency from which the student retired, pursuant to 501 CMR 13.00, and indicates at a minimum that the officer is an otherwise qualified retired law enforcement officer.

(c) Ensure before or on the course date that the student has in his or her possession, a valid license to carry issued pursuant to M.G.L. c. 140, § 131.

(d) Forward information regarding students who successfully complete the instructor's LEOSA course on a separate form prescribed by the Colonel to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702.

(e) Forward information regarding students who do not successfully complete the training and qualification course to the Colonel and the law enforcement agency from which the student obtained his or her valid retired law enforcement officer identification card.

(f) Issue the LEOSA Card, on a form prescribed and authorized by the Colonel, to the student upon successful completion of the training and qualification course.

(g) Forward a copy of each student's LEOSA Card to the law enforcement agency from which the student is retired.

6.05: LEOSA Firearms Course Curriculum Approval Certification

(1) LEOSA Firearms Course Curriculum Criteria. A curriculum for a LEOSA course shall include but not be limited to the following:

(a) A LEOSA course shall use pistols and/or revolvers of the kind commonly carried concealed by law enforcement officers as the primary subject matter of the curriculum.

(b) All qualification courses fired by the student shall be conducted using a firearm of the type, whether semi-automatic or revolver, to be carried by the qualified retired law enforcement officer under the authority of the LEOSA.

(2) LEOSA Approved Firearms Courses. Courses will be approved on an individual basis at the discretion of the Colonel. A list of approved courses will be available on the website of the Department of State Police and by request. All such courses shall include a minimum of the following:

(a) Not less than four (4) hours of training which shall include: a review of safe handling and the proper use of firearms and legal responsibility of improper or negligent use; a review of Massachusetts law pertaining to carrying a firearm; a review of the conditions and limitations of the Law Enforcement Officers Safety Act of 2004; and a firearms proficiency test.

(b) The firearms proficiency test shall be conducted using the type of firearm to be carried by the qualified retired law enforcement officer upon LEOSA certification. The proficiency test shall meet or exceed the following criteria:

- (1) The course of fire must be considered a generally accepted police qualification course consisting of at least fifty (50) rounds of duty-type ammunition on a variable distance, multi-position course.
- (2) A minimum of ten (10%) percent of the rounds must be fired at a distance of 10 yards or greater.
- (3) The course shall include stages fired at different distances to determine overall proficiency; including, but not limited to marksmanship, safety, and weapon operating procedures.
- (4) Minimum firing stages include ten (10), and five (5) yards. No stages shall be fired closer than three (3) yards and at least one stage shall be fired at ten (10) yards or greater distance.
- (5) Target requirements: MPTC or other law enforcement training and qualification "Q" target or similar law enforcement qualification target.
- (6) Minimum passing score of 40 hits or 80%.

(3) Issuance of LEOSA Course Curriculum Approval Certification. For courses not listed on the website of the Department of State Police, a LEOSA course curriculum approval application can be obtained by writing to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702. The application can be mailed or delivered to the same address. A letter approving the course or denying approval will be mailed to the applicant.

(4) LEOSA Firearms Training and Qualification Card. Certificates of completion in the form of a wallet sized card or a card capable of being folded into a wallet size shall be provided by the certified LEOSA instructor to the student upon successful completion of a LEOSA approved firearms course pursuant to 515 CMR 6.05. All such cards shall be in a form prescribed and authorized by the Colonel and shall contain the following information:

- (a) The fact the course was approved in accordance with 515 CMR 6.05;
- (b) That the card is evidence that the person named on the card has completed the required training in accordance with 515 CMR 6.05 and 18 U.S.C. § 926C;
- (c) That the card is valid for 12 months from the date on which the course was completed with prominent display of the date of expiration;
- (d) Prominent display that the certificate is only valid for purposes of 18 U.S.C. § 926C when presented with a valid retired law enforcement officer identification card.
- (e) Name and date of birth of the student;
- (f) Name of the law enforcement agency from which the student retired;
- (g) Date of course completion;

(h) Certified LEOSA instructor's typed or printed name, signature, and LEOSA Instructor Certification number.

6.06 Severability Clause

If any article, section, subsection, sentence, clause or phrase of 515 CMR 6.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Colonel of the Massachusetts State Police or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 515 CMR 6.00.