

515 CMR: DEPARTMENT OF STATE POLICE

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

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6.01: Purpose

The purpose of 515 CMR 6.00 is to provide rules and regulations governing the certification of qualified retired law enforcement officers and instructors for the purpose of complying with the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926C, amended by Pub. L. No. 111-272 (2010).

6.02: 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, 18 U.S.C. § 926C, amended by Pub. L. No. 111-272 (2010).

LEOSA Qualification Card. The Law Enforcement Officers Safety Act Qualification Card, which shall serve as proof of qualification 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.

Qualified Retired Law Enforcement Officer. An individual who:

- (a) separated from service in good standing with a public agency as a law enforcement officer;
- (b) before such separation, 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) 1. before such separation, served as a law enforcement officer for an aggregate of ten years or more; or
2. separated 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;
- (d) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the state in which the individual resides;
- (e) 1. has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in 18 U.S.C. § 926C; or
2. has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under 515 CMR 6.02: Qualified Retired Law Enforcement Officer(e)2. for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in 18 U.S.C. § 926C;
- (f) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

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(g) 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: *Standards for Identification Cards for Retired Law Enforcement Officers.*

6.03: 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 a 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 6.04.

(2) Basic Firearms Safety Instructors. Certification as a Basic Firearms Safety Instructor in accordance with 515 CMR 3.00: *Firearms Course and Instructor Certifications and Firearms Surrender Programs* 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. 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 by the Colonel for failure to meet the licensing standards for a LTC, LEOSA Instructor standards, LEOSA Instructor obligations, 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 LEOSA Instructor Obligations. 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 minimum of one year following expiration of any subsequently-obtained LEOSA Qualification Card. A copy of the application may also be given to the student.

(b) Require, on the course date, the student to present a valid retired law enforcement officer identification card issued by the law enforcement agency from which the student retired, pursuant to 18 U.S.C. § 926C, indicating at a minimum that the officer is an otherwise qualified retired law enforcement officer.

(c) Require, on the course date, the student to present a valid license to carry issued pursuant to M.G.L. c. 140, § 131.

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

6.04: LEOSA Firearms Qualification

- (1) In order to obtain a LEOSA Qualification card, the student must meet the statewide standards for qualification in firearms training as established by the Municipal Police Training Committee.
- (2) The student shall use 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.
- (3) LEOSA 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 meeting all standards set forth in 515 CMR 6.00. All such cards shall be in a form prescribed and authorized by the Colonel and shall contain the following information:
 - (a) That the card is evidence that the person named on the card has completed the required training in accordance with 515 CMR 6.04 and 18 U.S.C. § 926C;
 - (b) 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;
 - (c) 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.
 - (d) Name and date of birth of the student;
 - (e) Name of the law enforcement agency from which the student retired;
 - (f) Date of course completion;
 - (g) Certified LEOSA instructor's typed or printed name, signature, and LEOSA Instructor Certification number.

6.05: Severability Clause

If any portion 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 portion or 515 CMR 6.00.

REGULATORY AUTHORITY

515 CMR 6.00: M.G.L. c. 140, § 131(r) and 18 U.S.C. c. 44.

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RETIRED LAW ENFORCEMENT OFFICER
APPLICATION FOR FIREARMS CERTIFICATION

Name: _____
(First) (Last) (M.I)

Home Address:

(Street) (State) (Zip Code)

DOB: _____ LTC #: _____

Name of Law Enforcement Agency from which applicant retired:

I understand that in order to carry a concealed firearm as a qualified retired law enforcement officer in accordance with 18 U.S.C. § 926C, I must satisfy certain basic criteria.

The law enforcement agency from which I retired has issued me a photographic identification.

I retired in good standing from a public agency as a law enforcement officer.

I did not retire for reasons of mental instability.

I was authorized to engage in or supervise the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law, and I had statutory powers of arrest.

Before retirement, I was regularly employed as a law enforcement officer for 15 or more years aggregated, or retired after completing probation due to service-connected disability as determined by the agency I retired from. I have a non-forfeitable right to benefits under my agency’s retirement plan.

I am not now under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and I will not carry a firearm while I am under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

I am not prohibited by state or federal law from receiving a firearm. I understand that the definition of “firearm” does not include any machine gun, firearms silencer, or destructive device.

I understand that I must carry the Massachusetts LEOSA certification, along with a photographic identification issued by my agency, when I carry the concealed weapon.

I understand that my certification expires 12 months from its issue date.

I understand that the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926C, does not give me any rights whatsoever to exercise law enforcement authority or take police action under any circumstances.

I do hereby declare and affirm under the penalties of perjury that the contents of this application are true and correct to the best of my knowledge, information, and belief and I so indicate by signing below in the designated space.

Applicant Signature

Date

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