

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE
Law Enforcement Officers' Safety Act of 2004
HR 218
18 U.S.C. § 926**

**State Guidelines
January 1, 2009**

**Contact Person
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Delaware Department of Justice**

State of Delaware
Department of Justice
Law Enforcement Officers' Safety Act of 2004
As of January 1, 2009

Introduction

On July 22, 2004, President Bush signed into law the Law Enforcement Officers' Safety Act of 2003, ("LEOSA"), also known by its bill number, H.R. 218. This Law is codified at Chapter 44 of Title 18 of the United States Code, at §926B and §926C. This law allows qualified active and certain retired law enforcement officers to carry concealed firearms nationwide. Additionally, the law establishes the criteria that those individuals must meet annually in order to qualify as an active or honorably-retired law enforcement officer. The requirements are as follows:

Criteria for Certification

Active Law Enforcement Officer: Title 18 § 926B(c)

1. Authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law.
2. Has a statutory power of arrest.
3. Authorized by the agency to carry a firearm.
4. Is not the subject of any disciplinary action by the agency.
5. Meets standards established by the agency which require the employee to regularly qualify in the use of a firearm.
6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
7. Is not prohibited by State or Federal law from receiving a firearm.

Retired Law Enforcement Officer: Title 18 § 926C(c)

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 retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution, or the incarceration of any person for any violation of law.
3. Before retirement, had statutory powers of arrest.
4. Before retirement, (a) 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.

5. Has a non-forfeitable right to benefits under the retirement plan of the agency.
6. During the most recent 12 month period, has met, at the expense of the individual, the State of Delaware standards for training and qualification for active law enforcement officers to carry firearms, as established by the Council on Police Training ("COPT").
7. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
8. Is not prohibited by State or Federal law from receiving a firearm.

If you have met the above requirements, qualifying you as an active or honorably-retired law enforcement officer, proceed to the next steps outlined in the "Procedures for Certification."

Procedures for Certification

Active Law Enforcement Officer

- Meet the aforementioned requirements as stated on page 1 of this document under "Active Law Enforcement Officer".
- Possess a current photographic identification card issued by your agency
- Establish that you have satisfied the firearm and training standards established by your agency to regularly qualify you in the use of a firearm.
- If you have met the aforementioned criteria, no additional documentation or certification is needed to meet the provisions of LEOSA. However, you may want to consult with your agency to insure there is no conflict with any internal policy regarding carrying a concealed firearm out of your jurisdiction.

Retired Law Enforcement Officer

- Meet the requirements set forth on page 1 of this document under "Retired Law Enforcement Officer";
- Complete the **State of Delaware Qualified Retired Law Enforcement Officer Application for LEOSA Certification**. The application can be obtained from the Attorney General's website at www.state.de.us.gov/attgen/. This application is to be completed and submitted to the agency from which you retired, along with the additional documentation set forth below, and any processing fee charged by that agency.
- Submit to the agency from which you retired, a completed **State of Delaware Retired Police Officer Concealed Weapons Qualification Notification** from a Firearms Instructor certified by the Council on Police Training ("COPT"), indicating you have satisfied the firearm and training

qualification requirements for the State of Delaware as set forth by the COPT.

- Confirm by letter your good standing with the agency from which you retired.
- Submit to a criminal history records check. You will be responsible for paying any cost for this service. ***However, the Agency from which you retired may run the criminal history records check without charge. The purpose of the criminal history records check is to ensure that the retired officer is not a person prohibited under State or Federal law.***
- You have an affirmative responsibility to report any incidents or issues which may make you ineligible to carry a concealed deadly weapon.

- Once you have met the criteria for certification, and you have satisfied the firearm training and qualification requirements, you will be issued a **State of Delaware Retired Officer LEOSA Certification Card** (“Certification Card”). The Certification Card will be issued by the agency from which you retired. The Certification Card will indicate your personal information, identify the firearm you are permitted to carry by type and model, along with the expiration date and the notation “LEOSA” in the remarks section.
- The Certification Card will be valid for a period of one year. In order to maintain your certification, you will be required to annually meet all established standards set forth by the State and Federal Laws pertaining to LEOSA, before the expiration date of the Certification Card, pursuant to Title 18 §926C(c)5.
- The State of Delaware and/or the agency from which you retired reserves the right to deny the issuance of the certification card when your status as a retired law enforcement officer cannot be established and/or verified, and to revoke the certification card at any time should you fail to qualify for certification.

Law Enforcement Agency Responsibilities

- The agency from which you retired will receive your **State of Delaware Qualified Retired Law Enforcement Officer Application for LEOSA Certification** and verify the information you have provided, and will conduct the required records check.
- Upon completion of your firearms training, the agency will receive your completed **State of Delaware Retired Police Officer Concealed Weapons Qualification Notification**, and will confirm your qualification.
- The agency may submit copies of the **State of Delaware Qualified Retired Law Enforcement Officer Application for LEOSA Certification** and the **State of Delaware Retired Police Officer Concealed Weapons Qualification Notification** to the State Bureau of Identification (“SBI”) for entry of information into the appropriate computer database, if that database has been established by SBI at no cost to the agency or retired

officer. Alternatively, the Agency **shall** maintain a database listing the names and pertinent information on all Certification Cards issued by that Agency.

- The Card will expire in one year, and will be renewable upon reapplication and compliance with the criteria set forth above.

STATE OF DELAWARE

RETIRED LAW ENFORCEMENT OFFICER APPLICATION
FOR CARRYING A CONCEALED DEADLY WEAPON
IN ACCORDANCE WITH THE LAW ENFORCEMENT OFFICERS' SAFETY ACT OF
2004 ["H.R. 218"]

Name:

(First)

(Last)

(M.I.)

Home Address:

(Street)

(State)

(Zip Code)

Telephone Number: _____
(include area code)

Fax: _____
(include area code)

E-Mail Address: _____

DE.DL#: _____

Date of Birth: ___ / ___ / ___ Sex: ___ Race: ___ Height: ___ Weight: ___

Eye Color: _____ Hair: _____

Agency: _____

Affidavit

(indicate
yes or no)

_____ I understand that in order to carry a concealed firearm as a qualified retired law enforcement officer in accordance with the Law Enforcement Officers' Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, (HR 218), I must meet all established standards set forth by the State and Federal laws and regulations.

_____ I have read and understand the State of Delaware Department of Justice Law Enforcement Officers' Safety Act of 2004 Guidelines issued by the Delaware Department of Justice.

_____ The law enforcement agency from which I retired has issued me a photographic Identification. Identification number, if available, is _____.

_____ The agency I retired from is _____, which is located in _____, Delaware.

_____ My retirement date was _____

_____ 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.

_____ 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, including sawed off shotguns.

_____ I understand that I must meet the State of Delaware's standards for training and qualification for retired law enforcement officers to carry the

firearm of the type and model listed on the **State of Delaware Retired Police Officer Concealed Weapons Qualification Notification** form.

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

_____ I understand that I must carry the State of Delaware's certification, along with the photographic identification issued by my agency, when I carry the concealed weapon.

_____ I have read and understand the laws set forth by the State of Delaware pertaining to, but not limited to, "Deadly Force" and "Carrying a Concealed Deadly Weapon" and all other Delaware Laws pertaining to this application as set forth by the Attorney General's Office.

_____ I have submitted to a criminal record check to confirm that I have not been convicted of any crime greater than a violation since the date of my retirement. (See attached documents supporting the criminal record review.)

_____ I have not been committed to a psychiatric facility since the date of my retirement.

_____ I retired and have a certification letter, which is attached, from my retiring agency's chief verifying that I was in good standing, had served at least 15 years of service, and qualified for a non-forfeitable pension; or retired under a service-connected disability after completing any probationary period with my law enforcement agency. (Required for initial application only)

_____ I have provided two (2) 2x2" color passport-style photographs of myself that have been taken within the six month period immediately preceding the filing of this application or the agency from which I retired will supply the photos (at the agency's discretion).

_____ **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 understand that the State of Delaware may restrict my ability to carry firearms on State or local property, including installations, buildings, bases, and parks.**

_____ **I assume all responsibility and liability for my actions while acting under the provisions established for LEOSA.**

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

Subscribed and sworn to before me:

Notary Public _____

This _____ Day of _____, 20__.

My Commission Expires _____

STATE OF DELAWARE

RETIRED POLICE OFFICER

CONCEALED WEAPONS QUALIFICATION NOTIFICATION

LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2003 (HR 218)

The Retired Officer LEOSA Certification Card must be renewed annually and will expire one (1) year from the date of issue. Applicant must carry the same weapon as used in qualification. Weapon, holster, and ammunition will be provided by the Retiree at their own expense. The Retiree must qualify in accordance with the State of Delaware's Council on Police Training minimum standards qualification course for retired concealed carry standards for LEOSA ("HR 218").

Retiree Name: _____
(Last) (First) (Middle)

Department: _____

Weapon Type: Semi Revolver Caliber: _____

Manufacturer: _____ Model: _____

Retiree Signature: _____

This certifies that the above named individual has met the State standards for LEOSA ("HR 218") status as to the firearm as indicated.

COPT Certified
Firearms Instructor: _____ / _____
(Printed) (Signature)

Instructor's Agency/Company: _____

Qualification Date: _____