

Johnson County Sheriff's Office

Sheriff Bob Alford

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Approved by CC:

JAN 28 2013

TO: Concerned Personnel
FROM: Bob Alford, Sheriff
DATE: January 28, 2013
SUBJECT: Procedures for Issuing Weapons Proficiency Certificates For Certain Retired Peace Officers and Federal Law Enforcement Officers

Purpose

This instruction establishes procedures with respect to retiring and retired qualified law enforcement officers and the application of the provisions of the Law Enforcement Officers Safety Act of 2004 (LEOSA) (18 U.S.C. Section 926C), and the Texas Occupations Code, Chapter 1701.357.

Background

The Law Enforcement Officers Safety Act of 2004 (hereinafter "LEOSA") was signed into law July 22, 2004, as 18 U.S.C. Section 926C. With certain limitations and conditions, LEOSA exempts qualified retired law enforcement officers from most state and local laws that prohibit the carriage of concealed firearms. LEOSA extends this exemption to any qualified law enforcement officer, as that term is defined by the Act, including local, State, and Federal law enforcement personnel. LEOSA, however, does not exempt these individuals from other Federal laws or regulations, including any restrictions on firearms carriage on transportation systems such as commercial airlines, nor does it extend to these individuals any new authority for the use of firearms or any new law enforcement powers.

Although LEOSA preempts State and local laws prohibiting the carrying of concealed firearms, it contains two exceptions. First, it is not construed to supersede or limit State laws that "permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property." Second, it does not limit or supersede State laws that "prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park."

The Texas Occupations Code, Chapter 1701.357, applies the federal law under 18 U.S.C. Section 926C to state statutes, and authorizes the head of a local law enforcement agency to allow an honorably retired peace officer the opportunity to demonstrate weapons proficiency to meet the requirements of federal and state statutes.

Content and Procedures

It shall be the policy of the Johnson County Sheriff's Office to comply with all sections of 18 U.S.C. Section 926C and the Texas Occupations Code, Chapter 1701.357, in the issuance of weapons proficiency certificates for honorably retired peace officers.

Any officer meeting the statutory requirements of a retired peace officer who wishes to obtain a weapons proficiency certificate from the Johnson County Sheriff's Office will submit a "Request to Obtain a Weapons Proficiency Certificate by Retired Police Officer" (see attached) attesting that:

1. the officer honorably retired after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies;
2. the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer;
3. the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

The retired peace officer will also provide proof of retirement status with a copy of the officer's retired identification card that was issued, and a color passport style photograph of the officer.

The decision to allow an honorably retired peace officer the opportunity to test for weapons proficiency rests solely with the Sheriff, who may approve or disapprove the request without explanation.

If the Sheriff approves the request, he will open and maintain a file on the retired officer and forward a copy of the request to his designate or designates to schedule the weapons proficiency test.

The weapons proficiency test will be conducted by a Certified Firearms Instructor at his/her convenience by following the accepted qualification procedures of the Johnson County Sheriff's Office. The retired officer will provide the necessary weapon, ammunition, and supplies required to conduct the proficiency test. The retired officer will be given three opportunities to attain a qualification score. In the event a qualification score is not attained, the retired officer is disqualified from further attempts to show weapons proficiency through the Johnson County Sheriff's Office. The Officer will qualify with the same type of weapon the officer intends to carry (i.e. semi-auto or revolver). Scoring and course of fire will be the same as for current active officers.

After the weapons proficiency test is concluded, the Certified Firearms Instructor will, at his/her earliest opportunity, issue a letter certifying that the officer passed or failed the weapons proficiency test. The letter will include identifying information of the retired officer, including a printed photograph of the officer, but will not include the score attained. It will only indicate that the officer passed or failed. The letter will also designate an expiration date of one year after the date the test was passed. After that letter is forwarded to the Sheriff for his counter signature, a copy of the letter will be provided to the retired officer. Copies of all documentation will be maintained in the retired officer's file.

Retired officers will be required to demonstrate proficiency at least once annually. Failure to do so will result in immediate revocation of eligibility. It will be the responsibility of the retired officer to contact the Johnson County Sheriff's Office for re-issuance of a weapons proficiency certificate after expiration. The Sheriff's Office is not responsible to notify the officer that any certificate has or will expire.

Weapons proficiency credentials remain the property of the Johnson County Sheriff's Office. Upon request or revocation by the Sheriff, the officer will surrender all issued credentials.

No fees will be charged to a retired peace officer wishing to obtain a weapons proficiency certificate.

Bob Alford, Sheriff

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REQUEST TO OBTAIN A WEAPONS PROFICIENCY CERTIFICATE BY RETIRED PEACE OFFICER

Date: _____

NAME		DOB	
ADDRESS	CITY	STATE	ZIP
HOME PHONE	CELL PHONE		
EMAIL	DEPT RETIRED FROM		

I am a qualified retired law enforcement officer, residing in Texas, who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C.

Check one:

- Retired In-State Officer
- Retired Federal Officer (as designated in 1701.357 of the Texas Occupations Code)
- Retired Out-of State Officer

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- Initial Application (Weapons Proficiency Certificate expires 12 months from qualification date)
- Renewal / Duplication Application (Photo on file will be used. Attach current certificate of weapons proficiency) NOTE* Application for renewal should be made 45 days prior to renewal.

I certify the following:

- I am an honorably retired officer after not less than a total of 15 years of service as a commissioned officer with one or more state or local law enforcement agencies.
- My license as a commissioned officer was not revoked or suspended for any period during my term of service as a commissioned officer.
- I have no psychological or physical disability that would interfere with my proper handling of a firearm

Signature of Applicant

Sworn to and subscribed before me this the _____ day of _____, 20_____.

Notary Public, State of Texas