

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY

501 CMR 13.00: STANDARDS FOR IDENTIFICATION CARDS FOR RETIRED LAW ENFORCEMENT OFFICERS

Section

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13.01: Purpose

The purpose of 501 CMR 13.00 is to establish rules and regulations governing the standards for identification cards for retired law enforcement officers to comply with the provisions of the Federal Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926C, amended by Pub. L. No. 111-272 (2010).

13.02: Definitions

For the purpose of 501 CMR 13.00, the words shall have the following meanings:

Chief Law Enforcement Officer. The chief of a municipal police department; the Colonel of the Department of State Police; the Chief of the Massachusetts Bay Transportation Authority Transit Police department; the commander of a qualifying law enforcement agency; or his or her designee.

Law Enforcement Agency. A municipal police department, the Department of State Police, the Massachusetts Bay Transportation Authority Transit Police department, and any other governmental body which, in the opinion of the Secretary, employs full time law enforcement officers who are:

- (a) 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 the law; and
- (b) have statutory powers of arrest.

Qualified Retired Law Enforcement Officer. An individual who:

- (a) separated from service in good standing with a law enforcement 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 an active law enforcement officer, 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 501 CMR 13.02: 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.
- (e) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (f) is not prohibited by Federal law from receiving a firearm.

13.02: continued

Secretary. The Secretary of Public Safety or his or her designee.

13.03: Issuance of Identification Card

The chief law enforcement officer for a law enforcement agency shall issue an identification card to a qualified retired law enforcement officer who retired from that law enforcement agency.

13.04: Standard Components of Identification Cards

Identification cards for qualified retired law enforcement officers shall, at a minimum, contain the following information:

- (1) On the front of the card:
 - (a) the name of the qualified retired law enforcement officer;
 - (b) the name and business address of the law enforcement agency issuing the identification card;
 - (c) the date the law enforcement agency issued the identification card;
 - (d) a photograph of the qualified retired law enforcement officer; and
 - (e) the telephone number of the law enforcement agency that issued the identification card.
- (2) On the back of the card:
 - (a) A statement which reads: "The person whose photograph and signature appear hereon is a qualified retired law enforcement officer in good standing, pursuant to 18 U.S.C. § 926C and 501 CMR 13.00. This identification, together with a Law Enforcement Officers Safety Act Qualification Card, allows the person appearing hereon to carry a concealed firearm in accordance with the provisions of 18 U.S.C. § 926C. Unlawful possession of police identification or posing as a police officer is a criminal offense."
 - (b) The signature of the qualified retired law enforcement officer; and
 - (c) The date of birth of the qualified retired law enforcement officer.

13.05: Eligibility for Qualification

A qualified retired law enforcement officer must obtain an identification card from the law enforcement agency that formerly employed such officer in order for such officer to be eligible for qualification by a LEOSA instructor certified by the Department of State Police pursuant to 515 CMR 6.00: *Law Enforcement Officers Safety Act Qualification Standards and Instructor Certification*.

13.06: Severability Clause

If any portion of 501 CMR 13.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety or otherwise inoperative, such decision shall not affect the validity of any other portion of 501 CMR 13.00.

REGULATORY AUTHORITY

501 CMR 13.00: M.G.L. c. 140, § 131(r), and 18 U.S.C. c. 44.