



Law Enforcement Safety Act of 2004

Law Enforcement Retirees

On December 2, 2004, the Nevada Sheriffs' and Chiefs' Association (NvSCA) met and adopted the following rules for the qualification of law enforcement retirees in compliance with HR218, the Law Enforcement Safety Act of 2004.

These rules will be considered in effect immediately and will stay in effect until changed by the Nevada Sheriffs' and Chiefs' Association or unless any state legislation necessitates further changes.

In complying with this federal law, it is important to note that this process does not provide the law enforcement retiree with a concealed firearm permit nor will any law enforcement agency give the law enforcement retiree the right or ability to carry their firearm concealed. The ability to carry a concealed firearm when crossing state lines is granted by HR218 itself and the only responsibilities given to Nevada law enforcement agencies are to facilitate the firearms qualification and to conduct a criminal background check for retirees.

The following procedure applies only to law enforcement RETIREES and not to any active law enforcement personnel.

ELIGIBILITY

It will be the responsibility of the retiree to determine if he/she meets the criteria of being a "qualified retired law enforcement officer" as set forth by HR218. The criteria are:

- A) has retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
 - B) 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;
 - C) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
 - 1) 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;
- NOTE:** The retiree will be responsible for obtaining documentation from the agency he/she retired from that states the retiree has honorably retired after serving the amount of time required by this section.
- D) has a non-forfeitable right to benefits under the retirement plan of the agency;
 - E) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;
 - F) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - G) is not prohibited by Federal law from receiving a firearm.

QUALIFICATION

The retiree will select a shooting range to attend from either a participating law enforcement agency or from a list of firearm instructors that have been Sheriff-approved pursuant to the concealed weapon permit law, NRS 202.3657. Qualifications will be at the expense of the retiree when necessary. The list of available civilian firearm instructors can be obtained from the county Sheriff's Office Concealed Weapon unit.

In the presence of an instructor, the retiree shoots for a qualification using the following minimum course:

For 6 shot or higher capacity:

3 yards	6 rounds	No time limit	Freestyle
5 yards	12 rounds	No time limit	Freestyle
7 yards	12 rounds	No time limit	Freestyle

For 5 shot or lower capacity:

3 yards	5 rounds	No time limit	Freestyle
5 yards	10 rounds	No time limit	Freestyle
7 yards	10 rounds	No time limit	Freestyle

Firearms with less than a 5-shot capacity will have to be reloaded at each stage to comply with the 5-shot capacity standards.

A total of 30 rounds for 6 shot or larger capacity, 25 rounds for 5 shot capacity must be fired. A 70% minimum must be scored to pass. The humanoid target, B27 or B21 shall be utilized.

If there are any demonstrated shooting deficiencies noted by the instructor, additional training can be provided at the discretion of the instructor and at the expense of the retiree.

ANNUAL QUALIFICATIONS

The Law Enforcement Safety Act of 2004 requires that in order for the authorization to remain active, the retiree must qualify annually. The retiree must present to the sheriffs' office where they received their original card, proof that they qualified as outlined above. This must be done before the expiration date of the original card.

FORMS

Upon successful qualification, the instructor and retiree complete the "Retirement Qualification & Waiver Form" developed by the Nevada Sheriffs' and Chiefs' Association and used statewide. The qualification score and the type of firearm that was qualified with, (revolver, semi-automatic or both) MUST be indicated on this form. The

type that is indicated will be the type the retiree may carry concealed for the purposes of HR218.

The retiree will bring the completed Retirement Qualification & Waiver Form to the county sheriff's Concealed Weapon Permit unit of the county in which he/she resides. Along with this form, the retiree will bring valid, photographic identification from the agency he/she retired from as well as the letter from the agency he/she retired from that states the retiree has honorably retired after serving the amount of time required by this law, (see section 1C).

CONCEALED WEAPON PERMIT UNIT

The Concealed Weapon Permit unit of the county sheriff's office will ensure the retiree is in possession of valid, photographic identification issued by the agency he/she retired from. The Concealed Weapon Permit unit will also receive and maintain the Retirement Qualification & Waiver Form and letter certifying retirement as required by section 1C. *(NOTE: The identification required by this section can be considered valid when presented with a letter from a governmental agency certifying retirement and there are no signs of alteration or forgery to the identification. This will not preclude the Concealed Weapon Permit unit from contacting the agency issuing the photographic identification or letter certifying retirement should it be necessary.)*

The Concealed Weapon Permit unit of the county sheriff's office will conduct a background check on the retiree. The criminal history background, at a minimum, will consist of checks of the local criminal history database, NCJIS and NCIC.

CONCLUSION

If the retiree has satisfactorily met all requirements, the Concealed Weapon Permit unit of the county sheriff's office will issue the retiree the NvSCA Qualification card stating that he/she has met the qualification requirements set forth HR218. This card must be carried anytime the retiree is carrying a firearm concealed.

If the retiree has *not* satisfactorily met all requirements, the Concealed Weapon Permit detail of the county sheriff's office will issue the retiree the NvSCA HR218 denial form putting a checkmark by the reason(s) for not issuing the NvSCA Qualification card.