

**State of Delaware
Department of Justice
Delaware State Police
Law Enforcement Officers' Safety Act of 2004 Advisory**

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:

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 statutory powers 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:

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 Detective Licensing Section by calling Leeah Christine at (302) 672-5385 or Frank Kaleta at (302) 672-5346.
- Submit 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 fired a score equal to or greater than 80% on the Standard Off-Duty Qualification Course.
- Submit to a criminal history records check. You will be responsible for paying any cost for this service.
- 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 DSP and will indicate your personal information; identify the firearm you are permitted to carry by type, caliber, and model, along with the expiration date and the notation “LEOSA” on the front of the card pursuant to Title 18 §926C(c)5.
- 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.

- The State of Delaware 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 DSP 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 criminal history records check.
- Upon completion of your firearms training, the DSP will receive your completed **State of Delaware Retired Police Officer Concealed Weapons Qualification Notification**, and will confirm your qualification.
- Upon clearance, the DSP will issue you a Certification Card as set forth above. The Card will expire in one year, and will be renewable upon reapplication and compliance with the criteria set forth above.