

## **Rule 27 – Retired Law Enforcement Officer Authority to Carry Concealed Firearms**

*Effective March 1, 2006*

Pursuant to Chapter 44 of Title 18, United States Code, § 926C, the ‘Law Enforcement Officer Safety Act of 2004’, and notwithstanding any other provision of the laws of the State of Colorado or any political subdivision thereof, an individual who is a qualified retired law enforcement officer, who is carrying the identification required and has met the firearms qualification requirements may carry a concealed firearm. This rule does not govern the issuance of the required identification/certification by a Colorado law enforcement agency for their retirees, but is limited to the issuance of a firearms qualification certification for those retirees from another agency.

(a) Colorado Concealed Weapons Permit.

- (I) Nothing in this rule will prohibit a retired law enforcement officer from seeking and obtaining a concealed weapons permit pursuant to Title 18, Article 12, Section 2, C.R.S. (2005).

(b) Federal Eligibility Requirements for Retired Law Enforcement Officers.

- (I) It will be the responsibility of the retired peace officer to determine if he/she meets the criteria of being a “qualified retired law enforcement officer.” As used in this rule, the term “qualified retired law enforcement officer” means an individual who:

(A) Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability; and

(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:

(1) Before such retirement was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

(2) 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; and

(C) Has a non-forfeitable right to benefits under the retirement plan of the agency; and

- (D) During the most recent 12-month period has met, at the expense of the individual, the State standard for training and qualification to carry firearms; and
  - (E) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - (F) Is not prohibited by any State or Federal law from receiving or possessing a firearm.
- (II) The identification required by both Federal law and this rule shall include:
- (A) A photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and
  - (B) A certification card issued by the State (P.O.S.T.) through the Sheriff of the county in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearms, been tested or otherwise found to meet the standards established by P.O.S.T. for retired law enforcement officers to carry a firearm of the same type (manufacturer/model/caliber) as the concealed firearm; and
  - (C) The identification and certification card listed above shall be carried by the retired officer, along with a valid photographic identification, at all times during which the retired officer is in actual possession of a concealed weapon. The retired officer, upon demand by any law enforcement officer, shall produce these documents.
- (c) Training and Qualification for Retired Law Enforcement Officers.
- (I) The retired officer, at his/her individual expense, shall not less recently than one year before the date the individual is carrying the concealed firearms, been tested or otherwise found by the State through the Sheriff of the county that the retired officer resides, to meet the standards established by the State for training and qualification for retired officers to carry a firearm of the same type as the concealed firearm.
  - (II) To obtain a certification card, the retired officer shall submit an application in person on a statewide standardized form developed by the County Sheriffs of Colorado and available from each Sheriff, to the Sheriff of the county or city and county in which the applicant resides. For this rule, the term Sheriff means the elected Sheriff, the person fulfilling the duties of the Office of Sheriff in a city/county, or the Sheriff's designee.

- (III) The retired officer shall sign the completed application form in person before the Sheriff. The Sheriff shall verify that the person making the application is the same person who appears in any photograph submitted and the same person who signed the application form. To verify the retired law enforcement officer's identity, the applicant shall present to the Sheriff the applicant's valid Colorado driver's license and the photographic identification issued by the agency from which the individual retired from service as a law enforcement officer.
- (d) Sheriff Actions to Qualify Retired Law Enforcement Officers.
  - (I) Prior to allowing a retired officer to qualify for concealed carry authorization, agencies must verify the following information:
    - (A) The retired officers' full name, date of birth and address; and
    - (B) The validity of the "Retired Law Enforcement Officer Identification" the individual presents; and
    - (C) The individual meets the federal legal requirements to possess and/or carry a firearm (not a prohibited person); and
    - (D) There are no active wants or warrants associated with the individual.
  - (II) The verification, at a minimum, shall include requesting the Colorado Bureau of Investigation to conduct a search of the National Instant Criminal Background Check System and a search of the State Integrated Criminal Justice Information System to determine whether the applicant meets the criteria specified.
  - (III) During renewals, the verification shall not require a search of the National Instant Criminal Background Check System.
- (e) The retired officer is responsible for the cost of completing this process.
  - (I) The Sheriff may charge a fee not to exceed one hundred dollars for processing the application and administering the qualification.
  - (II) In addition, the Sheriff shall collect a fee for the Colorado Bureau of Investigation for conducting a search of the National Instant Criminal Background Check System.
- (f) The qualification course established by the State (P.O.S.T.) for use by the Sheriff in determining qualification for retired law enforcement officers shall be as follows:
  - (I) The retired officer must demonstrate safety and proficiency in the handling of the firearm by shooting a minimum of 80% on the qualification course and abiding by all firearms safety rules during the live fire qualification.

(II) Qualification.

(A) Targets authorized for this qualification course are:

- (1) DOE 15, TQ15 – areas designated as the 5 and 4 scoring rings will be scored as 5 points.
- (2) TQ19 – the gray portion of the target will be scored as 5 points.
- (3) B-21 – the “K-5” section will be scored as 5 points.
- (4) IPSC – the “A” and “C” zones will be scored as 5 points.
- (5) DPD 811 – the two center scoring rings will be scored as 5 points.
- (6) Other targets may be submitted to the Firearms SME Committee for approval by an agency.
- (7) Any shots striking an area other than those listed above will be scored as 0 points.

(B) Scoring – a total of 20 rounds will be required to complete the course. Shots will count “5 points” or “0 points.” A maximum possible score will be 100 points and a minimum passing score will be 80 points, with a maximum of 3 formal attempts.

(C) General information and definition of terms:

- (1) Close Combat – position is one handed, elbow over the hip and the arm is not extended.
- (2) Draw – starting with the weapon in the holster.
- (3) Ready – the muzzle of the weapon is pointed below the target with the trigger finger outside the trigger guard and extended along the side of frame or slide.
- (4) The designated head shot will count as 5 points and must strike the circle to count.
- (5) There are no alibis for failure to shoot within the time limits.
- (6) At the discretion of the instructor, alibis are allowed for immediate action malfunctions.

(D) Course of fire:

Range	# Rds	Time	Description
1 yard	5	10 sec.	Draw. Fire 2 rounds close combat, 2 body and 1 head shot, (two handed) while taking 2 steps back.
3 yards	3	7 sec.	Draw. 2 steps right while firing.
3 yards	3	7 sec.	Draw. 2 steps left while firing.
5 yards	2	5 sec	Standing ready. Right hand only.
5 yards	2	5 sec.	Standing ready. Left hand only.
7 yards	5	10 sec.	Draw. Fire 5 rounds (two hand grip)

(g) Maintenance of Authority – Address Change, Loss, Theft or Destruction of Identification.

- (I) Within thirty days after a retired officer changes the address used at the time of certification, or within three business days after the retired officer's certification is lost, stolen or destroyed the individual shall notify the Sheriff.
- (II) If the retired officer's certification is lost, stolen or destroyed the individual will be responsible for obtaining a duplicate or substitute certificate from the agency that last qualified the officer. The issuing agency may charge for the replacement certification, not to exceed fifteen dollars.

(h) Renewal of the Authority to Carry Concealed Firearms

- (I) Pursuant to the Law Enforcement Officer Safety Act of 2004, the authority to carry concealed weapons must be renewed annually, at the expense of the individual, through the successful completion of the approved firearms qualification course. Failure to successfully complete the course will cause the authority to carry concealed firearms to be rescinded.
- (II) Within thirty days prior to the expiration of the certification, the retired officer shall successfully complete the approved firearms qualification course. The retired officer may also be required to complete an application as determined by the issuing Sheriff.

(i) Revocation for Cause

- (I) In the event the sheriff is notified that the retired peace officer fails to meet any of the certification requirements or no longer meets the requirements, the sheriff shall revoke the certification card.