



Safe Insight

HR 218 Retired Officer



A “qualified retired law enforcement officer” is defined as an individual who:

- has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of ten (10) years or more or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service;
- 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;
- had statutory powers of arrest or apprehension under the Uniform Code of Military Justice;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from possessing a firearm.

The law also defines law enforcement officers formerly employed by the Amtrak Police Department and the Federal Reserve Police Department to be “qualified active law enforcement officers” even though these were not employees of a governmental agency. Further, any former “law enforcement or police officer of the executive branch of the Federal Government” is also included in the definition.

Qualified retired law enforcement officers must carry the photographic identification issued by the agency for which they were employed and have now separated. An officer separating from service with his agency who has been officially found by a qualified medical professional employed by the agency to be unqualified for continued service for reasons related to mental health and, for that reason is not issued the photographic identification described above and in the statute, is not a qualified retired law enforcement officer as described in 18 USC 926C.

Similarly, an officer who has entered into an agreement with the agency from which he is separating which acknowledges that the officer is not qualified under 18 USC 926C for reasons related to mental health and for these reasons will not receive or accept the photographic identification described above is not a qualified retired law enforcement officer as described in 18 USC 926C.

In addition to carrying the photographic identification issued by the agency for which they were employed or were separated, the qualified retired law enforcement officer must also carry documentation which certifies that they have met, within the most recent twelve month period, the active duty law enforcement standards for qualification for a firearm of the same type as the one they intend to carry.

The standard the qualified retired law enforcement officer must meet is that of his former agency, that of the State in which he resides, or in the absence of State standards—or the recognition thereof—the standards of any law enforcement agency in the State in which the qualified retired law enforcement officer and the certified firearms instructor resides.

This document which certifies that the qualified retired law enforcement officer has met the standards described above must be issued by the retired officer’s former agency, by the State in which he lives, or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State.