
Retiree Concealed Weapons

1314.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the authorization to carry a concealed handgun by retired deputies of the Montgomery County Sheriff's Office, as allowed by federal law (Law Enforcement Officer Safety Act of 2010 (LEOSA)).

1314.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to facilitate compliance with LEOSA and State law by providing a photo identification card and certified firearms qualifications for qualified retired deputies.

1314.3 QUALIFICATION

A qualified retired law enforcement officer who is allowed to receive an identification card includes any former deputy of this office who:

- (a) Separated from service in good standing from this office as a law enforcement officer.
- (b) Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law, and had statutory powers of arrest.
- (c) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.
- (d) Meets the firearm qualification standard of this policy.
- (e) Has not been disqualified for reasons related to mental health, domestic violence or criminal charges.
- (f) Has not entered into an agreement with this office where the deputy acknowledges that he/ she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (g) Has not consumed, nor is under the influence of alcohol or other intoxicating or hallucinatory drugs or substances while carrying a concealed handgun.
- (h) Is not prohibited by federal law from receiving or possessing a firearm.

1314.4 CONCEALED HANDGUN AUTHORIZATION

In order to carry a concealed handgun, a qualified retired deputy of this office shall comply with each element of federal and State law.

Retired deputies who wish to carry a concealed handgun have the following options:

Montgomery County Sheriff's Office

Policy Manual

Retiree Concealed Weapons

- (a) Comply with federal law to carry a concealed handgun, pursuant to 118 USC § 926C for qualified retired law enforcement officers, which requires a valid identification card.
- (b) Obtain certification as a qualified retired law enforcement officer by applying to the North Carolina Criminal Justice Education and Training Standards Commission.
- (c) Obtain a permit as a regular citizen by applying for a concealed handgun permit from the Sheriff in whose jurisdiction he/she resides.

1314.5 FEDERAL AUTHORIZATION

Qualified retired deputies of this office may be authorized to carry a concealed firearm. Such authorization requires that qualified retired deputies comply with each element of 18 USC § 926C. These elements include carrying photographic identification issued by the Office and certification from the Office or the state that the retiree has been tested and certified within the past year to meet either the training and qualification standards for active law enforcement officers of the Office or the standards established by the State of North Carolina.

1314.6 RETIREE RESPONSIBILITIES

A retiree with a retiree identification card or firearms qualification certification from this office shall immediately notify the Sheriff in writing regarding any criminal detention, arrest, charge or conviction within any jurisdiction, or that he/she is the subject of a domestic violence restraining order or similar court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

1314.6.1 FIREARMS QUALIFICATIONS

To maintain a valid retiree card, the retiree must complete the required firearms training every 12 months by either:

- (a) Passing this office's firearms qualifications course for active law enforcement officers to carry a firearm of the same type as the retiree's concealed firearm.
- (b) Successfully qualifying with the handgun that the retiree will carry, in accordance with State training standards, and providing written proof on form (F-9R).

The inability to obtain a firearms qualification certification will be cause to temporarily suspend or revoke a retiree identification card.

1314.7 DENIAL, SUSPENSION OR REVOCATION

The retiree identification card for any deputy retired from this office may be denied, suspended or permanently revoked upon a showing of good cause. The identification card may be immediately and temporarily suspended by the Sheriff when the conduct of a retired deputy compromises public safety. The presentation or revocation of a retiree identification card or firearms qualification certification from this office does not convey a property right to the retiree.

Montgomery County Sheriff's Office

Policy Manual

Retiree Concealed Weapons

1314.7.1 SUPERVISOR REPONSIBILITIES

Members who have reason to suspect a retiree's conduct has compromised public safety shall notify the Sheriff as soon as practicable. The Sheriff shall:

- (a) Promptly take appropriate steps to look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing that:
 - 1. The retiree's identification card is immediately and temporarily suspended.
- (c) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Sheriff should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Sheriff may request that a law enforcement officer from that agency act as the agent of the Office to deliver the written notification.
- (d) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested.
- (e) Document an investigation, the actions taken, and, if applicable, any notification made to the retiree.