

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(Amended at ARRS Committee)

502 KAR 13:040. Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

RELATES TO: KRS 186.412, 237.110, 237.138, 237.140, 237.142, 18 U.S.C. 926C

STATUTORY AUTHORITY: KRS 237.140

NECESSITY, FUNCTION, AND CONFORMITY: *KRS 237.138 to 237.142 establish provisions for certification to carry a concealed deadly weapon for any elected or appointed peace officer who is honorably retired and who meets the provisions of these statutes and the Law Enforcement Officers Safety Act, 18 U.S.C. 926C. KRS 237.140 requires the Kentucky State Police to promulgate administrative regulations to implement the provisions of KRS 237.138 to 237.142*~~provides~~ for the certification of ~~honorably~~ retired ~~selected or appointed~~ peace officers to carry a concealed deadly weapon pursuant to 18 U.S.C. 926C ~~and requires the department~~ ~~Kentucky State Police~~ ~~to promulgate administrative regulations to implement the certification provisions~~. This administrative regulation establishes the requirements and procedures for the issuance, expiration, and renewal of a LEOSA license.

Section 1. ~~Definition. (1) "License" means the document indicating the approved certification pursuant to the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. 926C.~~

~~Section 2.~~ Issuance of License.

(1) The department shall issue a LEOSA license if it confirms that the applicant is qualified to carry a concealed deadly weapon pursuant to 18 U.S.C. 926C after the department has received the documentation required by 502 KAR 13:010.

(2) If the department issues a LEOSA license, it shall:

(a) Transmit the license to the sheriff; and

(b) Send ~~a~~~~an issuance~~ notice to the applicant;~~s~~

1. Informing him or her that the license is being conveyed to the sheriff of the county where the applicant resides and what date the license will be available from the sheriff; and

2. Including a section that the applicant may sign in the presence of the sheriff or the sheriff's designee.

(3) The sheriff shall issue the license to the applicant upon:

(a) Verification of the identity of the applicant by:

1. Submission of a valid Kentucky operator's license or personal identification card issued by the Transportation Cabinet ~~a circuit court clerk~~ pursuant to KRS 186.412; or

2. Personal knowledge of the sheriff; and

(b) Signature ~~on~~~~off~~ the notice of issuance ~~notice~~ by the applicant in the presence of the sheriff or the sheriff's designee.

~~Section 2.~~ ~~Section 3.~~ Expiration. A LEOSA license shall expire one (1) year from the date of the range qualification listed on the KSP~~Form~~ 123, LEOSA~~"Law Enforcement Safety Act License Peace"~~~~"Peace"~~~~Officer~~ Range Qualification Certification~~LEOSA," KSP 123~~, submitted with the application.

~~Section 3.~~ ~~Section 4.~~ Extension ~~Renewal~~.

(1) Not less than ninety (90)~~[one hundred twenty (120)]~~ days prior to the expiration date of the license, the department shall notify~~[mail to]~~ each licensee ~~[a notice]~~ of the expiration by mail.~~["Notice of Expiration - LEOSA."]~~

(2) Any licensee wishing to extend~~[renew]~~ the license shall qualify with a certified range instructor in compliance with KRS 237.140 and have the required material submitted to the Department of Kentucky State Police by the range instructor. The extension shall be for up to one (1) year and may be repeated not more than four (4) times.

(3) Any licensee wishing to obtain a new license shall apply and be approved in the manner described in 502 KAR 13:010 and this administrative regulation for first time applicants except that a licensee shall not have to submit a copy of the ~~["LEOSA Law Enforcement Retirement Certification"]~~, KSP 124B, if the licensee previously submitted a retirement certification that was accepted by the department.

Section 4. ~~[Section 5.]~~ Identification. A LEOSA license issued by the department to a successful applicant shall consist of a photographic identification card containing the following:

(1) The front of the photographic identification card shall include the following information for the certified retired peace officer:

- (a) Name;
- (b) Address;
- (c) Date of birth;
- (d) Law enforcement agency retired from;
- (e) Expiration date of certification;
- (f) LEOSA license number; and
- (g) Photograph.

(2) The back of the photographic identification card shall state the following:~~[be substantially in the following form.]~~ The Commonwealth of Kentucky hereby certifies that the licensee identified on the front of this card is a qualified retired law enforcement officer as defined in the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. 926C, and has, within one (1) year prior to the expiration date shown on the front of this card, been tested or otherwise found by the Commonwealth of Kentucky to meet the marksmanship qualification requirement established by the Commonwealth for peace officers.

Section 5. ~~[Section 6.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "LEOSA ~~[KSP Form 123, Law Enforcement Officer Safety Act Licensee Peace]~~ ~~[Peace]~~ ~~[Officer]~~ Range Qualification Certification"~~["LEOSA", KSP 123],~~ KSP 123, 2022~~[2014 edition]~~~~[07/05];~~

~~[(b)] ["Notice of Issuance", 1/9/07;]~~

~~[(c)] ["Notice of Expiration"]~~~~["LEOSA", 6/21/07;]~~ and

~~[(b)]~~ ~~[(d)]~~ ~~[KSP Form 124B, "LEOSA Law Enforcement Retirement Certification", KSP 124B,~~ ~~[KSP 124B,]~~ 2014~~[edition]~~~~[December 2010].~~

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(34 Ky.R. 1315; Am. 1723; eff. 2-1-2008; 38 Ky.R. 689; 912; eff. 12-2-2011; 48 Ky.R. 1292; 49 Ky.R. 1072; eff. 1-31-2023.)

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