

**CHAPTER 10**

**HOUSE RESOLUTION 218, LAW ENFORCEMENT OFFICERS SAFETY  
ACT/IMPROVEMENTS ACT**

**REVISED APRIL 2017**

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## CHAPTER 10

### HOUSE RESOLUTION 218, LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT

#### 1. GENERAL.

a. The Law Enforcement Officers Safety Act was signed into law in July 2004. The law exempts qualified active and retired law enforcement officers from local and state prohibitions on the carrying of concealed firearms. In October 2010, Senate Bill 1132, Law Enforcement Officers Safety Act Improvements Act of 2010, was signed into law. The law improves the ability of retired officers to comply with the documents required by existing federal law when carrying a firearm under Title 18 United States Code Section 926C.

b. The law addresses two specific concerns: qualified law enforcement officers carrying concealed weapons across state boundaries and the ability of qualified retired law enforcement officers to carry a concealed weapon across state boundaries.

#### 2. QUALIFIED LAW ENFORCEMENT OFFICERS.

##### a. Active Uniformed Employees.

(1) Must be authorized to conduct law enforcement activities and have powers of arrest.

(2) Is authorized by the Department to carry a firearm.

(3) Is not the subject of any disciplinary action which could result in suspension or loss of police powers.

(4) Meets qualification standards for the firearm being carried as set forth by the Department.

(5) Is not under the influence of alcohol or other intoxicating, hallucinatory drug or substance; and is not prohibited by federal law from receiving a firearm.

(6) Photographic ID issued by the Department is required.

(7) The term firearm does not include any machine gun, any firearm silencer, or any destructive device.

(8) These terms do not supersede the laws of any state that permit:  
(1) private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or (2) prohibit or restrict the possession of firearms on state or local government property, installation, building, base, or park.

b. Retired Uniformed Employees.

(1) Must be separated from service in good standing with the Department as a law enforcement officer.

(a) Before separation, was regularly employed as a law enforcement officer for an aggregate of ten years or more; or

(b) Separated from service after completing probation with the Department due to a service-connected disability.

(2) Is not under the influence of alcohol or other intoxicating, hallucinatory drug or substance; and is not prohibited by federal law from receiving a firearm.

(3) Photographic ID issued by the Department is required.

(4) The term firearm does not include any machine gun, any firearm silencer, or any destructive device.

(5) These terms do not supersede the laws of any state that: (1) permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or (2) prohibit or restrict the possession of firearms on state or local government property, installation, building, base, or park.

(6) During the most recent 12-month period, has met the Department's standards for training and qualification for active California Highway Patrol (CHP) officers to carry firearms.

(7) Has not been officially found by a qualified medical professional employed by the Department to be unqualified to carry a concealed weapon for reasons relating to mental health; nor has entered into an agreement with this Department in which the individual acknowledges not being qualified to carry a concealed weapon for reasons relating to mental health.

### 3. EMPLOYEES' RESPONSIBILITY.

a. Active Uniformed Employees. Must have a current qualification with their primary firearm as outlined in Chapter 3, Shooting Qualification and Training, of this manual.

b. Any use or threatened use of deadly force under the provisions of House Resolution (HR) 218 conducted by any uniformed member in another state shall:

(1) Immediately report the incident according to General Order 100.80, Notification and Report of Emergencies and Unusual Occurrences.

(2) Uniformed employees shall immediately notify their next level of command.

(3) All incidents shall be documented on a CHP 216, Arrest -- Investigation Report.

(4) Appropriate documentation will be generated by the uniformed employee's command to include compliance with Highway Patrol Manual 70.6, Officer Safety Manual, Chapter 2, Discharge of Firearms.

c. Retired Uniformed Employees. Must have qualified with a firearm based on the same qualification standards as active uniformed employees, as outlined in Chapter 3 of this manual, with the type of weapon they wish to carry concealed (semi-automatic or revolver). The retired uniformed employee may contact the Area office of their choice to obtain a copy of the qualification course and standards.

(1) When participating in any departmental firearms training, the retired uniformed employee is required to wear body armor and safety equipment, which will be provided by the Area office.

(2) The retired uniformed employee shall contact the Area office when they wish to conduct their qualification and schedule an appointment with the Area range officer 30 days prior to the desired qualification date. Retired uniformed employees residing out of state may contact their local state law enforcement agency or a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty officers within that state.

(3) The retired uniformed employee shall provide the Area range officer with their full name, date of birth, and ID number to conduct a background check to confirm the retiree has a valid carry concealed weapon (CCW) endorsement or would otherwise be eligible to be issued a CCW endorsement. If the retiree

does not possess a CCW endorsement, or is otherwise not eligible to do so, an HR 218 qualification shall not be conducted. Additionally, the Office of Internal Affairs will check departmental records to ensure the retiree does not have any firearm restrictions that would preclude HR 218 eligibility. A background check via the California Law Enforcement Telecommunication System is prohibited for the purposes of HR 218.

(4) The retired uniformed employee shall submit their firearm to the Area range officer for inspection at least two weeks prior to the scheduled appointment. The Area range officer shall inspect the firearm to determine functionality and ensure it is in proper working condition. The firearm shall be one that can be drawn from a concealed location on the person and can be reloaded within the time frames outlined in the relevant departmental qualification course.

(5) The course of fire when certifying a retired uniformed employee will be the Secondary Weapon Qualification Course, as outlined in Chapter 3 of this manual.

(6) At the onset of qualification, the Area range officer shall provide a course of instruction that includes the Release and Indemnity Agreement (refer to Annex B). A discussion concerning firearms safety and general firearms laws relative to carrying in and out of state, including criminal storage of a firearm, will be included in the course.

(7) The Area range officer shall use sound professional judgment when evaluating the retired uniformed employee and the firearm. If at any time the range officer determines the retired uniformed employee is unable to perform the required tasks or safely manipulate the firearm, the range officer shall discontinue the qualification attempt. The Area range officer shall submit a memorandum detailing the circumstances to the Area commander. The responsibility of the Area commander is to determine if the retired uniformed employee should be given the opportunity to perform any future qualification attempts.

(8) The retired uniformed employee shall have three opportunities to qualify in each task of the qualification course. If the retired uniformed employee is unable to qualify, they may make an appointment with the Area range officer for another scheduled range date. The responsibility of the Area commander is to notify the retired uniformed employee if they do not qualify after two qualification course attempts in a calendar year.

NOTE: This does not prohibit the retired uniformed employee from carrying a concealed firearm within California under the provisions set forth in California Penal Code Section 12027, and does not affect the ID card provided to them upon their retirement (applies to paragraphs 3.c.[7] and 3.c.[8] of this chapter).

(9) Upon the retired uniformed employee's successful completion of the qualification course, the Area range officer will complete a CHP 218, Application for HR 218 Certification. For further determination of retiree eligibility, the Area range officer will provide a copy of the CHP 218 to the retired uniformed employee and electronically forward the form to Human Resources Section (HRS) at CHP-IDCards@chp.ca.gov, with a reference to HR 218 in the subject line.

(10) Upon confirmation of eligibility, HRS will send the retired uniformed employee a photographic ID card (refer to Annex E) indicating the retiree is qualified to carry a concealed weapon outside of California. In compliance with HR 218, this card will be valid for one year.

(11) Upon completion of the process, the Release and Indemnity Agreement (Annex B), Provisions of HR 218 (Annex C), and the CHP 218 (Annex D) shall be retained at the Area for five years.

(12) These outlined steps for HR 218 qualification apply to eligible retired uniformed employees of the CHP only. There is no state-established standard for firearms qualification for HR 218 certification. Retired uniformed employees living out of state may qualify for HR 218 certification with their local law enforcement agency or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state. This section shall not prohibit any retired uniformed employee from qualifying for HR 218 certification with an allied agency within California. The Department will not conduct any certification or qualification for HR 218 for any retired member of an allied agency from California or another state. Retired members of allied agencies should be advised to contact the agency from which they retired for information.

#### 4. GUIDELINES TO FOLLOW WHEN CALIFORNIA HIGHWAY PATROL PERSONNEL COME IN CONTACT WITH LAW ENFORCEMENT OFFICERS FROM OTHER STATES.

- a. Sound professional judgment shall be exercised when determining if an individual is afforded CCW protection under HR 218. When CHP personnel come

in contact with active or retired law enforcement officers from other states that are carrying a concealed weapon, the following actions shall be taken:

(1) Active Law Enforcement Officers.

- (a) Inspect the officer's agency-issued ID.
- (b) Verify the officer's state-issued driver license.

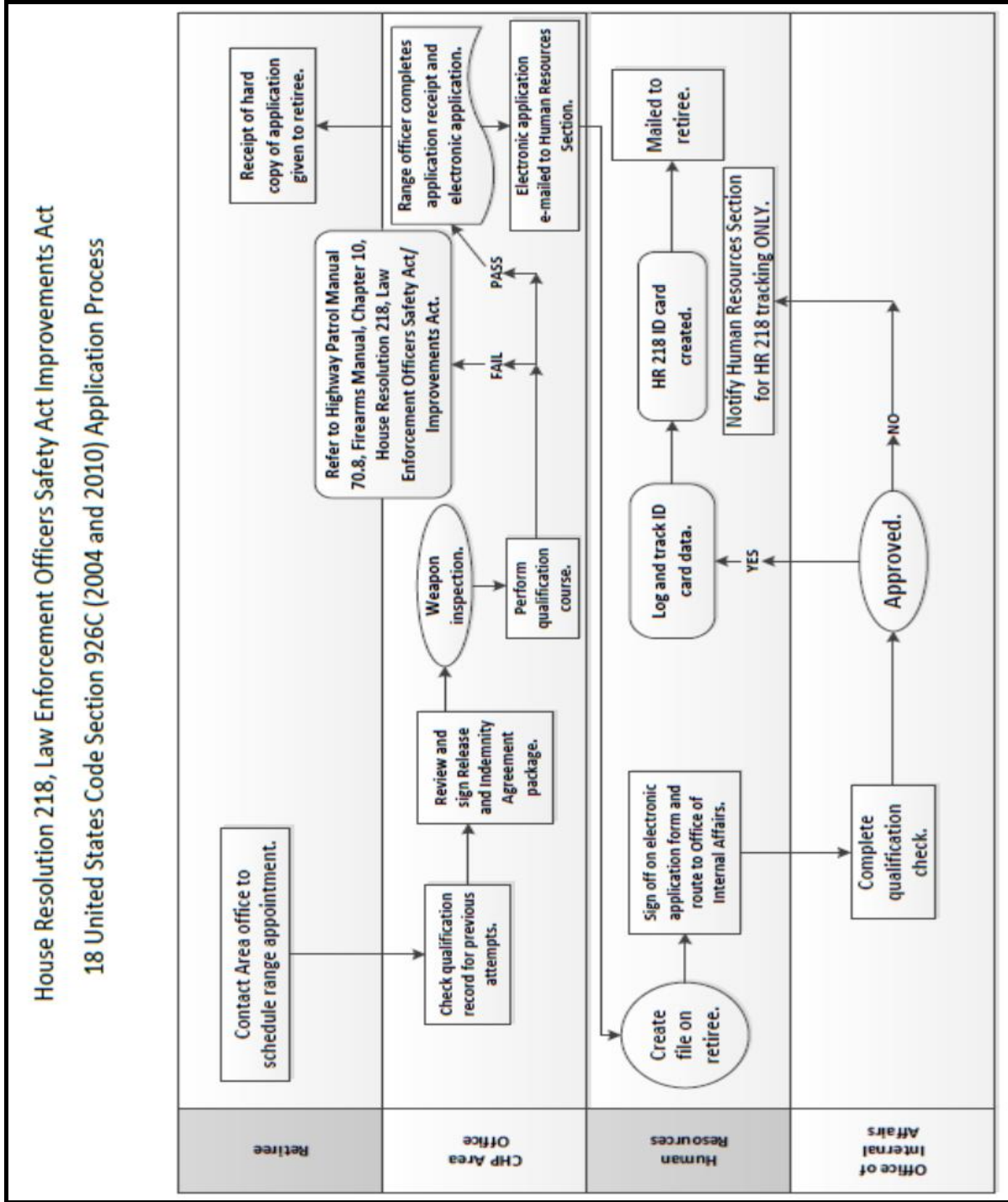
(2) Retired Law Enforcement Officers.

- (a) Inspect the retired officer's agency-issued ID.
- (b) Verify the retired officer's state-issued driver license or other valid form of ID.
- (c) For the purpose of qualification under HR 218, federal law provides an agency the choice of two ID options. Both options are acceptable and legal under the stipulations of HR 218.

1 Option 1: A photographic ID card issued by the agency from which the individual retired. It must indicate the retiree has, within the past 12 months, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active officers to carry a firearm of the same type as the retiree's firearm.

2 Option 2: A photographic ID card issued by the agency from which the individual retired as a law enforcement officer and a certification issued by the state in which the individual has, within the past 12 months, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active officers to carry a firearm of the same type as the retiree's firearm.

## ANNEX A FLOW CHART



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## ANNEX B

### RELEASE AND INDEMNITY AGREEMENT

**RELEASE AND INDEMNITY AGREEMENT – HR 218  
LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT  
(2004 AND 2010) 18 USC 926C**

I am a retired officer of the Department of the California Highway Patrol (CHP) who is eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 USC 926C). I have read and understood all the terms/requirements of 18 USC 926C and all subsections (a) - (e). I certify that I meet all the requirements to be a "qualified retired law enforcement officer" as listed in 18 USC 926C(c)(1) - (7).

I acknowledge the inherent dangers of firing a weapon and the dangers of firing a weapon on what may be an even, uneven and/or graveled surface. I understand the CHP is not required to provide this firearms qualification process and as such I agree to indemnify and hold harmless the CHP and/or its agents, officers, employees and volunteers for any injury or property damaged caused by my participation in this firearms qualification process. I further waive any claim for damages against the CHP and/or its agents, officers, employees and volunteers for any injury suffered by me while participating in this firearms qualification process. I waive all claims against the CHP even if said claims occurred through the active or passive negligence of the CHP and/or agents, officers, employees and volunteers. It is my intent to be legally bound for myself, my heirs, executors and administrators, waive and release any and all rights and claims for losses and damages that exist now or in the future, against CHP and/or its agents, officers, employees and volunteers.

I understand that CHP is not required to provide this firearms qualifications process and as such I agree that CHP accepts no responsibility or liability in any manner and I hereby agree that it is my sole responsibility to fully defend, indemnify and hold harmless the CHP and/or its agents, officers, employees and volunteers from any and all forms of liability or loss (injury, property damage, etc) resulting either directly or indirectly from any action or inaction I fail to take regarding the storage, carrying and/or use of any weapon allowed 18 USC 926 (Law Enforcement Officers Safety Act of 2004 and the Improvements Act of 2010), including, but not limited to, civil litigation. It is my intent to be legally bound for myself, my heirs, executors and administrators, waive and release any and all rights and claims for losses and damages that exist now or in the future, against the CHP and/or its agents, officers, employees and volunteers.

The terms of this Agreement are severable. If a court of competent jurisdiction invalidates any provision of this Agreement, all remaining provisions of this Agreement shall continue in full force and effect. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

In executing this, I represent that I have had a reasonable opportunity to seek and select legal advice and have relied upon the advice of my own legal representative, who is an attorney of my own choice, or have voluntarily chosen not to seek the advice of an attorney, and that the terms of this Release and Indemnity Agreement have been completely read and that those terms are fully understood and voluntarily accepted by me.

\_\_\_\_\_  
RETIREE SIGNATURE

\_\_\_\_\_  
DATE

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## ANNEX C

### PROVISIONS OF HOUSE RESOLUTION 218, LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT

#### PROVISIONS OF HR 218 LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT (2004/2010)

Before you can benefit from Law Enforcement Officers Safety Act of 2004 and Improvements Act of 2010, Title 18 United States Code Section 926C (18 USC 926C), you must first ensure you meet the following requirements:

1. I have separated from service in good standing with the California Highway Patrol (CHP) as a law enforcement officer.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

2. Prior to separation with the CHP, I was authorized 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.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

3. Before separation, I served as a law enforcement officer for an aggregate of ten years or more, or separated from service with the CHP, after completing my probationary period, due to a service-connected disability as determined by the CHP.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

4. I understand that upon successfully receiving a House Resolution (HR) 218 certification card, I will be qualified to carry a concealed weapon out of state. I further understand this privilege must be renewed annually as federal law requires that within the most recent 12 month period I must meet the standards for qualification in firearms training for active law enforcement officers as determined by the CHP specific to the type of firearm to be carried (semi-automatic or revolver).

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

5. I have not been found by the CHP's qualified medical professional as unqualified to carry a concealed weapon for reasons relating to mental health, nor have I entered into an agreement with the CHP wherein I acknowledge I am not qualified to carry a concealed weapon for reasons relating to mental health.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

**ANNEX C**

**PROVISIONS OF HOUSE RESOLUTION 218, LAW ENFORCEMENT OFFICERS  
SAFETY ACT/IMPROVEMENTS ACT (continued)**

**PROVISIONS OF HR 218  
LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT  
(2004/2010) (continued)**

6. I understand that protections afforded pursuant to 18 USC 926C with respect to carrying of a concealed weapon do not exist if I am under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

7. I certify that I am not prohibited by federal law from receiving a firearm. I understand that the protections afforded under 18 USC 926C are rendered void if at any point prior or subsequent to being issued a HR 218 certification card, I am prohibited by federal law from receiving a firearm.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

8. I certify I am aware of provisions of Penal Code 12021(a)(1) which provide – Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country or of an offense enumerated in subdivision (a), (b), or (d) of Section 12001.6, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

9. I certify that I am aware of the provisions of 18 USC 922(g) which states that it is unlawful for anyone who is convicted of a felony; is a fugitive from justice; is an unlawful user of controlled dangerous substances; has been adjudicated mentally defective or been committed to a mental institution; is an illegal alien; was dishonorably discharged from the Armed Forces; has renounced his citizenship; or is under restrictions of a protective order; to own or possess a firearm. Additionally, this law specifically states it is unlawful for an individual convicted of a state or federal "misdemeanor crime of domestic violence" to "ship, transport, possess or receive firearms or ammunition." Law enforcement officers are not exempt. Therefore, law enforcement officers who have been convicted of a qualifying misdemeanor will not be able to lawfully possess or receive firearms or ammunition for any purposes, including performing their official duties. I have not been convicted of any "qualifying misdemeanor" as articulated in 18 USC 922(g).

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
AREA OFFICER  
INITIALS

ANNEX C

PROVISIONS OF HOUSE RESOLUTION 218, LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT (continued)

PROVISIONS OF HR 218  
LAW ENFORCEMENT OFFICERS SAFETY ACT/IMPROVEMENTS ACT  
(2004/2010) (continued)

10. In addition to the requirements of the Law Enforcement Officers Safety Act of 2004 and Improvement Act of 2010, I must be aware there are other responsibilities inherent with gun ownership and firearm storage. Specifically, PC 12035(a) defines the criminal storage of a firearm and establishes penalties for failure to safely store a firearm

\_\_\_\_\_  
RETIREE  
INITIALS

\_\_\_\_\_  
ARBA OFFICER  
INITIALS

I understand that the Law Enforcement Officers Safety Act of 2004 and Improvement Act of 2010 does not supersede or limit the laws of any state. I acknowledge it is incumbent upon myself that, prior to entering a state with a firearm, I will familiarize myself with the laws of that state. Additionally, the Law Enforcement Officers Safety Act of 2004 and Improvement Act of 2010, gives no authority to carry a concealed weapon on private property and offers no peace officer powers. By carrying a concealed weapon under the auspices of the Law Enforcement Officers Safety Act of 2004 and Improvement Act of 2010, I do so at my own risk.

I certify that I have discussed all the aforementioned information with the certifying CHP range officer and have been made aware it is my responsibility to adhere to all laws pertaining to firearms regardless of the state.

**Applicant Attestation:** *I declare under penalty of perjury, under the laws of the State of California, that all statements contained in Annex C are true and correct, with full knowledge that all statements made in Annex C are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of my HR 218 Certification.*

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

**Witness Attestation (Range Officer):** *I certify that I personally witnessed Retiree sign Annex B, initial each section of Annex C, and personally witnessed the retiree sign the Applicant Attestation. I declare this under penalty of perjury, under the laws of the State of California.*

\_\_\_\_\_  
WITNESS (RANGE OFFICER) SIGNATURE

\_\_\_\_\_  
DATE

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## ANNEX D

### CHP 218, APPLICATION FOR HR 218 CERTIFICATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL <b>APPLICATION FOR HR 218 CERTIFICATION</b> CHP 218 (Rev. 1-18) OPI 091			
LAST NAME Retiree	MIDDLE INITIAL Q.	FIRST NAME John	ID NUMBER 40000
MAILING ADDRESS 100 Main Street Sacramento, CA 95814		PHONE NUMBER (916) 123-4567 ALTERNATE PHONE NUMBER	
Retired employee's physical and other information		Attach current photo. (Please attach a 2 x 2 passport photo to the application or email a JPEG-formatted photo separately to <a href="mailto:idcards@chp.ca.gov">idcards@chp.ca.gov</a> . Label photo as follows: retiree's last name.ID#.)	
GENDER <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE OF BIRTH 09/20/1967	HEIGHT 6' 00"	
WEIGHT 185 lbs.	HAIR COLOR Brown	EYE COLOR Blue	
DATE REQUESTED 03/01/2017	RETIREMENT DATE 02/15/2017	RANK AT RETIREMENT Sergeant	
LAST DATE/YEAR HR 218 WAS REQUESTED		NEAREST CHP OFFICE North Sacramento - 250	
<b>Range Officer Checklist (check upon completion of task)</b>			
<input type="checkbox"/> Retiree has qualified on the Secondary Weapons Qualification Course.			
<input type="checkbox"/> Range Officer administered review of law and policy.			
<input type="checkbox"/> Retiree completed Annex B, Range Officer and retiree completed Annex C, and Area is retaining Annexes B, C, and original Annex D.			
<input type="checkbox"/> Range Officer verified retiree's ID card, made copy of both sides, and is retaining copies with Annexes B, C, and D.			
<input type="checkbox"/> Range Officer verified retiree has CCW endorsement on ID card.			
<input type="checkbox"/> Retiree qualified with revolver.			
<input type="checkbox"/> Retiree qualified with semi-automatic.			
RANGE OFFICER PRINTED NAME		I. D. NUMBER	RANGE OFFICER SIGNATURE (FOR AREA RETENTION ONLY)
<b>To be completed by Headquarters only</b>			
	Date Received	Approved	Denied
Human Resources Section	_____	<input type="checkbox"/>	<input type="checkbox"/>
Office of Internal Affairs	_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Retiree Informational Statement</b>			
On <u>03/01/2017</u> <small style="margin-left: 100px;">DATE</small> , you completed a weapons course consisting of a law and policy review and a live-fire weapons qualification course for a revolver and/or semi-automatic firearm with the California Highway Patrol and were found to have met the qualifications set forth by the Law Enforcement Officers Safety Act of 2004 and the Law Enforcement Officers Safety Act Improvements Act of 2010. The information contained within this application has been electronically sent to Human Resources Section (HRS), where it will be processed within 30 days.			
Upon verification that you meet the requirements set forth in Title 18 U.S. Code 926C (c), you will be issued a certification card indicating validity for a 12-month period. Your certification card will be sent to you by HRS within 30 working days from the date of receipt by HRS. If you fail to receive your certification card or validation card within the 30 working days, contact HRS at:			
California Highway Patrol Human Resources Section 601 N. 7th Street Sacramento, CA 95811 (916) 843-3700			
Destroy Previous Editions <span style="float: right;">Chp218_D116.pdf</span>			

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ANNEX E

SAMPLE IDENTIFICATION CARD



Sex: Male      Hair: Brown      Eyes: Blue  
Ht: 6' 00"      Wt: 205 lbs.      DOB: 09/20/1967

**This identification card is the property of the  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

*It is unlawful to possess this card with the intent to use it to falsely  
represent the person named on the front.*

John Q. Retiree has been tested and has been determined to meet the standards established by this Department for training and qualification for active law enforcement officers to carry a firearm of the same type as indicated on the front of this card: semi-automatic and/or revolver. The expiration date is noted on the front. Any questions regarding validity of this card can be directed to (916) 843-4199.

  
Commissioner

Printed on 3/15/11

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