

FIREARMS QUALIFICATION CERTIFICATION (HR 218) INSTRUCTIONS FOR RETIRED SWORN NIXA POLICE DEPARTMENT (NPD) PERSONNEL

1. Print the HR 218 card from the Administrative Service's section of the Nixa Police Department's website.
2. Print the Range Qualification Form from the website.
3. Take the card and the Range Qualification Form with you to the range of your choice. Have them completed by a bona fide Range Instructor.
4. Print the Waiver and Release Agreement from the website and complete.
5. Review the Retiree Concealed Firearms Policy from the website.
6. Print the HR 218 Record - Receipt for the Policy and complete.
7. Mail the HR 218 card, Range Qualification Form, Waiver and Release Agreement, and HR 218 Record - Receipt, and provide your return address, to:

Nixa Police Department Attention:
Police Administrative Services
PO Box 395
Nixa, MO 65714
8. After approved by the Chief of Police, the completed card will be mailed to the address you provided.

If your retired Department identification card has expired please notify the Police Administrative Services and a new one will be issued with the HR 218 card. If a new photo is required, please make an appointment with the Police Administrative Services at 417-725-2510.

CITY OF NIXA

Nixa Police Department

**HR-218 Law Enforcement Officers Safety Act of 2004
Retired Peace Officers Compliance Certification**

The Bearer _____ attests, and available Department records indicate, that he/she meets the employment requirements of 18 USCS Section 926C(c), and is therefore a qualified retired law enforcement officer for the purposes of carrying a concealed firearm.

Chief of Police

Fold

Nixa Police Department (417) 725-2510

Range Instructor: Printed Name & ID

Expires One Year From This Date

Date Issued: _____

Authorized Range Instructor Signature

**Nixa Police Department
Firearms Qualification Certification**



Cut

NIXA POLICE DEPARTMENT RETIRED OFFICER RANGE QUALIFICATION FORM

Name of Retired Peace Officer: _____

ID #: _____

Date of qualification: _____

Firearm (allowed to qualify with only one concealable firearm):

Make _____

Model _____

Caliber _____

Law enforcement agency conducting the qualification:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Qualification course type: _____ Duty weapon _____ Off-duty weapon
_____ Other (please describe): _____

Number of rounds fired during qualifying course: _____

Law enforcement agency representative:

Print Name: _____ Dept. ID #: _____

Telephone: _____

I certify that I am an authorized representative of the above-listed law enforcement agency and that the above-listed individual successfully completed a firearms qualification course.

Signature of Law Enforcement Agency Representative

Date

**NIXA POLICE DEPARTMENT
WAIVER AND RELEASE AGREEMENT RETIRED OFFICER
FIREARMS QUALIFICATION**

Name of Retired Peace Officer: _____ ID #: _____

I am a retired peace officer of the Nixa Police Department. I have read the federal requirements as described in the Law Enforcement Officers Safety Act (18 U.S. Code § 926C).

I have read the State of Missouri requirements to carry a concealable firearm as it pertains to a retired peace officer (RSMo § 571.030, 650.030).

I have read the Nixa Police Department's policy related Retiree Concealed Firearms (Policy No. 205). I recognize that the Nixa Police Department is not legally required to provide me with firearms instruction or a firearms qualification course.

In consideration of my participation in any Nixa Police Department firearms instruction or firearms qualification course, I waive any and all claims or actions that may arise against: the City of Nixa, the City of Nixa Police Department, their successors or assigns, as well as their elected representatives, managers, employees or volunteers (hereinafter jointly referred to as "Nixa"), as a result of any injury, loss, or damage to myself, including, and without limitation, personal, bodily or mental injury, economic loss or any damage to me related to my participation in Nixa's firearms instruction or any other qualification process, including, those injuries, harms or losses resulting from the negligence or future negligence of Nixa. I also agree to defend, indemnify and hold Nixa harmless against any claims arising out of my or Nixa's negligent acts, future negligent acts, or willful acts or omissions.

Further, I hereby specifically agree to indemnify, defend, and hold Nixa harmless from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act of 2004, including, but not limited to, any civil litigation arising from my carrying or use of any such weapon.

Initial: _____

I HAVE READ AND AGREE TO THE TERMS AND CONDITIONS ABOVE, INCLUDING, BUT NOT LIMITED TO, THE RELEASE OF LIABILITY, WAIVER OF CLAIMS AND INDEMNITY AGREEMENT AND I HAVE RECEIVED A COMPLETE COPY OF THE “WAIVER AND RELEASE AGREEMENT RETIRED OFFICER FIREARMS QUALIFICATION” and “NIXA POLICE POLICY #205.”

Retired Peace Officer Signature

Date

Initial: _____

Retiree Concealed Firearms

205.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, denial, suspension or revocation of Nixa Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Missouri law 18 USC § 926C; § 571.030, RSMo).

205.1.1 DEFINITIONS

A qualified retired peace officer means an individual who (§ 571.030.12, RSMo):

- (a) Retired in good standing from service as an officer, other than for reasons of mental instability.
- (b) Before retirement was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.
- (c) Before retirement was regularly employed as a peace officer for an aggregate of at least 15 years or more, or
- (d) Retired from service with a service-related disability after completion of probation.
- (e) Has a non-forfeitable right to benefits under the retirement plan of the Department.
- (f) During the most recent 12-month period has met the state standard for training and qualification to carry firearms.
- (g) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.
- (h) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order.
- (i) Has in possession photographic identification from this department.

A former peace officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct.

205.2 POLICY

It is the policy of the Nixa Police Department to provide identification cards to qualified former officers as provided in this policy.

205.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated

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from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

205.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Nixa Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

205.3.2 AUTHORIZATION

When permitted by 18 U.S.C. 926C, any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm when complying with the terms of said section.

205.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief of Police of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

205.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

205.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or

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revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

205.6 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

The course standards shall meet any relevant standards that may be established by the Department of Public Safety (§ 650.030, RSMo).

NIXA POLICE DEPARTMENT

HR 218 RECORD – RECEIPT

On _____, I, _____, ID #_____,
[Date] [Print Name]

completed the Firearms Qualification Certification requirement. I have a copy of the Nixa Police Department Retiree Concealed Firearms Policy Number 205.

I, _____, acknowledge receipt of a copy of
the [Retiree's Signature]

Policy and my responsibility to comply with the provisions of the Department's Policy.

GUIDELINES FOR THE MISSOURI FIREARMS TRAINING AND QUALIFICATION COURSE FOR RETIRED PEACE OFFICERS

Pursuant to section 650.030, of the Revised Statutes of Missouri, the director of public safety shall have the authority to establish a state firearms training and qualification standard for retired law enforcement officers carrying concealed firearms pursuant to 18 U.S.C. 926C of the Law Enforcement Officers Safety Act of 2004, and shall promulgate rules for the implementation of this state standard as required by 18 U.S.C. Section 926C(d)(2)(B).

(1) For a retired law enforcement officer to be considered certified as having met the state's annual firearms training and qualification standard for retired law enforcement officers pursuant to section 650.030, RSMo, the retired law enforcement officer must:

(A) Successfully complete the two-hour training course approved by the Director of the Missouri Department of Public Safety; and

(B) Successfully complete the firearm qualification course approved by the Director of the Missouri Department of Public Safety.

(2) To successfully complete the two-hour training course, the retired law enforcement officer must attend the course in its entirety and participate in the course to the satisfaction of the course instructor.

(3) To successfully complete the firearm qualification course, the retired law enforcement officer must obtain a passing score of seventy-percent on the course of fire. If a retired law enforcement officer fails to obtain a passing score on the first attempt, or fails to adhere to the time constraints of the course of fire, he or she will be permitted one opportunity to reattempt the entire course of fire. If the retired law enforcement officer fails on the second attempt, he or she must wait six-months before he or she will have two additional attempts to successfully complete the course of fire. This six-month process will repeat itself until the retired law enforcement officer successfully completes the prescribed course of fire. If the retired law enforcement officer does not successfully complete the prescribed course of fire within a year from the date the two-hour training course was successfully completed, the two-hour training course must be repeated. A weapon malfunction that is not the result of shooter error will not be counted against the retired law enforcement officer. All stages of fire are to be completed in the standing position.

(A) The firearm training course of fire shall be as follows:

Stage 1 – Distance = 3 yards. Total rounds fired = 12

Drill 1 - Strong-hand only. The shooter will draw the handgun with the strong hand only, fire two rounds in three seconds, and holster upon completion. This drill will be repeated two more times for a total of six rounds with the strong hand.

Drill 2 - Support-hand only. The shooter will draw the handgun with the strong hand, transition the handgun to the support hand, fire three rounds in six seconds with the support hand only, and holster upon completion. This drill will be repeated once more for a total of six rounds with the support hand.

Stage 2 - Distance = 5 yards. Total rounds fired = 12

Drill 1 - Strong-hand only. The shooter will draw the handgun with the strong hand only, fire two rounds in three seconds, and holster upon completion. This drill will be repeated two more times for a total of six rounds with the strong hand.

Drill 2 - Support-hand only. The shooter will draw the handgun with the strong hand, transition the handgun to the support hand, fire three rounds in six seconds with the support hand only, and holster upon completion. This drill will be repeated once more for a total of six rounds with the support hand.

Stage 3 - Distance = 7 yards. Total rounds fired = 14

The shooter will draw the handgun, using a two-hand support grip, fire fourteen rounds in forty-five seconds, and holster upon completion.

Stage 4 - Distance = 10 yards. Total rounds fired = 6

The shooter will draw the handgun, using a two-hand support grip, fire three rounds in eight seconds, and holster upon completion. This drill will be repeated once more for a total of six rounds using a two-hand support grip.

Stage 5 - Distance = 12 yards. Total rounds fired = 6

The shooter will draw the handgun, using a two-hand support grip, fire three rounds in ten seconds, and holster upon completion. This drill will be repeated once more for a total of six rounds using a two-hand support grip.

(4) Various silhouette targets may be utilized during the firearm qualification course; however, the maximum size silhouette target allowable is the B-27 target, scoring only those “hits” that are within the 8 ring. Therefore, retired law enforcement officers must place a minimum of thirty-five out of fifty rounds within the 8 ring to obtain a passing score of seventy-percent. A scoring template measuring 11 ¾ inches wide by 17 ¾ inches tall may be utilized for scoring, independent of the style of silhouette used.

(5) For purposes of meeting the certification requirements outlined in section 650.030, RSMo, the two hour training course and the qualification course shall only be instructed by those persons validly licensed by the Peace Officer Standards and Training (POST) Program as a firearms instructor in all 1600 basic training curricula codes.

(6) Upon successful completion of the training course and the qualification course, the instructor shall, at a minimum, provide the retired law enforcement officer with a certificate of completion indicating the retired law enforcement officer has met the state’s annual qualification standard for retired law enforcement officers pursuant to section 650.030, RSMo, the date(s) the training and qualification courses were successfully completed, and the printed and signed name of the POST licensed instructor providing the training. This certification shall be valid for a period of one year from the date the training and qualification courses were successfully completed.

(7) The certificate of completion shall serve as proof that the retired law enforcement officer has met the state’s annual firearms training and qualification standard for retired law enforcement officers carrying concealed firearms pursuant to 18 U.S.C. 926C.

AMENDMENTS

2010—Subsec. (c)(3). Pub. L. 111-272, § 2(a)(1), inserted “which could result in suspension or loss of police powers” after “agency”.

Subsec. (e). Pub. L. 111-272, § 2(b), added subsec. (e) and struck out former subsec. (e) which read as follows: “As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) any destructive device (as defined in section 921 of this title).”

Subsec. (f). Pub. L. 111-272, § 2(a)(2), added subsec. (f).

§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

(1) permit 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 any State or local government property, installation, building, base, or park.

(c) As used in this section, the term “qualified retired law enforcement officer” means an individual who—

(1) separated from service in good standing from service with a public agency as a law enforcement officer;

(2) before such separation, 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;

(3)(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or

(B) separated 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;

(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;

(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this

finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or

(2)(A) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer; and

(B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

(e) As used in this section—

(1) the term “firearm”—

(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(C) does not include—

(i) any machinegun (as defined in section 5845 of the National Firearms Act);

(ii) any firearm silencer (as defined in section 921 of this title); and

(iii) any destructive device (as defined in section 921 of this title); and

(2) the term “service with a public agency as a law enforcement officer” includes service as

a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

(Added Pub. L. 108-277, §3(a), July 22, 2004, 118 Stat. 866; amended Pub. L. 111-272, §2(c), Oct. 12, 2010, 124 Stat. 2855.)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e)(1)(B), (C)(i), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of such Act is classified to section 5845 of Title 26.

AMENDMENTS

2010—Subsec. (c)(1). Pub. L. 111-272, §2(c)(1)(A), substituted “separated from service” for “retired” and struck out “, other than for reasons of mental instability” after “officer”.

Subsec. (c)(2). Pub. L. 111-272, §2(c)(1)(B), substituted “separation” for “retirement”.

Subsec. (c)(3)(A). Pub. L. 111-272, §2(c)(1)(C)(i), substituted “separation, served as a law enforcement officer for an aggregate of 10 years or more” for “retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more”.

Subsec. (c)(3)(B). Pub. L. 111-272, §2(c)(1)(C)(ii), substituted “separated” for “retired”.

Subsec. (c)(4). Pub. L. 111-272, §2(c)(1)(D), added par. (4) and struck out former par. (4) which read as follows: “has a nonforfeitable right to benefits under the retirement plan of the agency;”.

Subsec. (c)(5). Pub. L. 111-272, §2(c)(1)(E), added par. (5) and struck out former par. (5) which read as follows: “during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;”.

Subsec. (d)(1). Pub. L. 111-272, §2(c)(2)(A), substituted “separated” for “retired” and “to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm” for “to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm”.

Subsec. (d)(2)(A). Pub. L. 111-272, §2(c)(2)(B)(i), substituted “separated” for “retired”.

Subsec. (d)(2)(B). Pub. L. 111-272, §2(c)(2)(B)(ii), substituted “or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—” for “that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.” and added cls. (I) and (II).

Subsec. (e). Pub. L. 111-272, §2(c)(3), added subsec. (e) and struck out former subsec. (e) which read as follows: “As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) a destructive device (as defined in section 921 of this title).”

§ 927. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90-618 struck out “or possession” after “State” wherever appearing.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

§ 928. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90-618 reenacted section without change.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

§ 929. Use of restricted ammunition

(a)(1) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking crime be sentenced to a term of imprisonment for not less than five years.

(2) For purposes of this subsection, the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment,

Federal Categories of Persons Prohibited From Receiving Firearm - Sources Gun Control Act of 1968; Title 18, United States Code (U.S.C.) Section 921 and 922; Title 27 Code of Federal Regulations (C.F.R.) 478.11.

A person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year or any state offense classified by the state as a misdemeanor and is punishable by a term of imprisonment of more than two years.

Persons who are fugitives of justice—for example, the subject of an active felony or misdemeanor warrant.

An unlawful user and/or an addict of any controlled substance; for example, a person convicted for the use or possession of a controlled substance within the past year; or a person with multiple arrests for the use or possession of a controlled substance within the past five years with the most recent arrest occurring within the past year; or a person found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.

A person adjudicated mental defective or involuntarily committed to a mental institution or incompetent to handle own affairs, including dispositions to criminal charges of found not guilty by reason of insanity or found incompetent to stand trial.

A person who, being an alien, is illegally or unlawfully in the United States.

A person who, being an alien except as provided in subsection (y) (2), has been admitted to the United States under a non-immigrant visa.

A person dishonorably discharged from the United States Armed Forces.

A person who has renounced his/her United States citizenship.

The subject of a protective order issued after a hearing in which the respondent had notice that restrains them from harassing, stalking, or threatening an intimate partner or child of such partner. This does not include ex parte orders.

A person convicted in any court of a misdemeanor crime which includes the use or attempted use of physical force or threatened use of a deadly weapon and the defendant was the spouse, former spouse, parent, guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited in the past with the victim as a spouse, parent, guardian or similar situation to a spouse, parent or guardian of the victim.

A person who is under indictment or information for a crime punishable by imprisonment for a term exceeding one year.