

## **PORAC LEGAL DEFENSE FUND**

### **AMENDMENT NO. ONE TO THE PLAN DOCUMENT OF THE PORAC LEGAL DEFENSE FUND (As amended through January 27, 2007)**

Pursuant to Article VII of the Plan Document and to Article VI, Section 5 of the Trust Agreement, the Board of Trustees of the PORAC Legal Defense Fund hereby amends the Plan Document as follows:

1. The following is added as Section 13 of Article VII (Benefits):
  13. Benefit Plan V – Retiree (H.R. 218) Coverage
    - (a) A Participant who is a Qualified Retired Law Enforcement Officer and a retired associate member of PORAC shall be entitled representation by a Panel Attorney or Panel Field Representative in the administrative appeal of a denial of a permit to carry concealed firearms by the agency from which the participant retired.
    - (b) A participant described in subsection (a) who possesses a current concealed weapons permit issued by the agency from which the Participant retired shall be entitled to:
      1. Legal representation in any civil or criminal action brought against him or her arising from the use of a firearm in defense of self or others where an imminent threat of serious bodily harm to self or others is present.
      2. Legal representation in any criminal action brought against him or her arising from the possession of a concealed firearm that is not precluded under local law.
    - (c) All customary, necessary, and reasonable services related to an action described in subsections (a) and (b) hereof, including where it appears reasonably probable that such an action will be commenced.
    - (d) For purposes of Benefit Plan V, a Qualified Retired Law Enforcement Officer is defined to mean an individual who:
      1. retired in good standing as a law enforcement officer, other than for reasons of mental instability; and
      2. immediately before retirement, exercised peace officer powers; and
      3. either had at least fifteen years of service as a peace officer or was awarded a service-connected disability retirement while a permanent employee; and

4. has received and passed annually any firearms training required by the agency issuing the Participant's concealed weapons permit; and
  5. at the time of the incident was not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  6. is not prohibited by state or federal law from carrying a firearm; and
  7. carries the identification described in subsection (e) of this section.
- (e) The identification required under this subsection is a photographic identification issued by the law enforcement agency from which the Participant retired which indicates that the Participant has passed required firearms training or which is supplemented by a state certificate to this effect.
- (f) Excluded from coverage under this Benefit Plan V are incidents arising from domestic violence or from military service or the use of weapons in sport or hunting, incidents occurring outside of the United States, incidents arising from employment as a private investigator or in a private security capacity or other employment, incidents among family members, and incidents occurring before the effective date of coverage or after the effective date of the termination of coverage.
2. The following is added as subsection (j) to section 1 of Article IV (Exclusions and Limitations):
- (j) Bonds – No benefits shall be provided under the Plan to pay for a bail bond or an appeal bond.
3. The effective date of this amendment is October 1, 2009.

This amendment was adopted by the Board of Trustees of the PORAC Legal Defense Fund at a regular meeting held on October 17, 2009.

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CHAIR

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SECRETARY