

104TH CONGRESS
2D SESSION

S. 2010

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 1996

Mr. HATCH (for himself, Mr. SANTORUM, Mr. GREGG, Mr. WARNER, Mr. SIMPSON, Mr. THURMOND, Mr. D'AMATO, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Protection
5 Initiative of 1996”.

1 **SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER**
 2 **LAW ENFORCEMENT OFFICERS FROM STATE**
 3 **LAWS PROHIBITING THE CARRYING OF CON-**
 4 **CEALED FIREARMS.**

5 (a) IN GENERAL.—Chapter 44 of title 18, United
 6 States Code, is amended by inserting after section 926A
 7 the following new section:

8 **“SEC. 926B. CARRYING OF CONCEALED FIREARMS BY**
 9 **QUALIFIED CURRENT AND FORMER LAW EN-**
 10 **FORCEMENT OFFICERS.**

11 “(a) IN GENERAL.—Notwithstanding any provision
 12 of the law of any State or any political subdivision of a
 13 State, an individual may carry a concealed firearm if that
 14 individual is—

15 “(1) a qualified law enforcement officer or a
 16 qualified former law enforcement officer; and

17 “(2) carrying appropriate written identification.

18 “(b) EFFECT ON OTHER LAWS.—

19 “(1) COMMON CARRIERS.—Nothing in this sec-
 20 tion shall be construed to exempt from section
 21 46505(b)(1) of title 49, any—

22 “(A) qualified law enforcement officer who
 23 does not meet the requirements of section
 24 46505(d) of title 49; or

25 “(B) qualified former law enforcement offi-
 26 cer.

1 “(2) FEDERAL LAWS.—Nothing in this section
2 shall be construed to supersede or limit any Federal
3 law or regulation prohibiting or restricting the pos-
4 session of a firearm on any Federal property, instal-
5 lation, building, base, or park.

6 “(3) STATE LAWS.—Nothing in this section
7 shall be construed to supersede or limit the laws of
8 any State that—

9 “(A) grant rights to carry a concealed fire-
10 arm that are broader than the rights granted
11 under this section;

12 “(B) permit private persons or entities to
13 prohibit or restrict the possession of concealed
14 firearms on their property; or

15 “(C) prohibit or restrict the possession of
16 firearms on any State or local government prop-
17 erty, installation, building, base, or park.

18 “(c) DEFINITIONS.—As used in this section—

19 “(1) the term ‘appropriate written identifica-
20 tion’ means, with respect to an individual, a docu-
21 ment that—

22 “(A) was issued to the individual by the
23 public agency with which the individual serves
24 or served as a qualified law enforcement officer;
25 and

1 “(B) identifies the holder of the document
2 as a current or former officer, agent, or em-
3 ployee of the agency;

4 “(2) the term ‘qualified law enforcement officer’
5 means an individual authorized by law to engage in
6 or supervise the prevention, detection, or investiga-
7 tion of any violation of criminal law;

8 “(3) the term ‘qualified former law enforcement
9 officer’ means an individual who—

10 “(A) retired from service with a public
11 agency, other than for reasons of mental dis-
12 ability;

13 “(B) immediately before such retirement,
14 was a qualified law enforcement officer with
15 that public agency;

16 “(C) has a nonforfeitable right to benefits
17 under the retirement plan of the agency;

18 “(D) was not separated from service with
19 a public agency due to a disciplinary action by
20 the agency that prevented the carrying of a
21 firearm;

22 “(E) meets such requirements as have
23 been established by the State in which the indi-
24 vidual resides with respect to—

1 “(i) training in the use of firearms;

2 and

3 “(ii) carrying a concealed weapon; and

4 “(F) is not prohibited by Federal law from
5 receiving a firearm;

6 “(4) the term ‘qualified law enforcement officer’
7 means an officer, agent, or employee of a public
8 agency who—

9 “(A) is a law enforcement officer;

10 “(B) is authorized by the agency to carry
11 a firearm in the course of duty;

12 “(C) is not the subject of a disciplinary ac-
13 tion by the agency that prevents the carrying of
14 a firearm; and

15 “(D) meets such requirements as have
16 been established by the agency with respect to
17 firearms; and

18 “(5) the term ‘firearm’ means any firearm that
19 has, or of which any component has, traveled in
20 interstate or foreign commerce.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 44 of title 18, United States Code, is amended

- 1 by inserting after the item relating to section 926A the
- 2 following new item:

“926B. Carrying of concealed firearms by qualified current and former law enforcement officers.”.

