

106TH CONGRESS
1ST SESSION

H. R. 492

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1999

Mr. STEARNS (for himself, Mr. SMITH of Washington, Mr. HALL of Texas, Mr. BACHUS, Mr. HOLDEN, Mr. NETHERCUTT, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. HOSTETTLER, Mr. GREEN of Texas, Mr. CRAMER, Mr. COMBEST, Mr. RAHALL, and Mr. BARCIA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

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

1 **SECTION 1. NATIONAL STANDARD FOR THE CARRYING OF**
2 **CERTAIN CONCEALED FIREARMS BY NON-**
3 **RESIDENTS.**

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

7 **“§ 926B. National standard for the carrying of certain**
8 **concealed firearms by nonresidents**

9 “(a) Notwithstanding any provision of the law of any
10 State or political subdivision thereof, a person who is not
11 prohibited by Federal law from possessing, transporting,
12 shipping, or receiving a firearm and is carrying a valid
13 license or permit which is issued by a State and which
14 permits the person to carry a concealed firearm (other
15 than a machinegun or destructive device) may carry in an-
16 other State a concealed firearm (other than a machinegun
17 or destructive device) that has been shipped or transported
18 in interstate or foreign commerce, subject to subsection
19 (b).

20 “(b)(1) If such other State issues licenses or permits
21 to carry concealed firearms, the person may carry a con-
22 cealed firearm in the State under the same restrictions
23 which apply to the carrying of a concealed firearm by a
24 person to whom the State has issued such a license or
25 permit.

1 “(2) If such other State does not issue licenses or
2 permits to carry concealed firearms, the person may not,
3 in the State, carry a concealed firearm in a police station,
4 in a public detention facility, in a courthouse, in a public
5 polling place, at a meeting of a State, county, or municipal
6 governing body, in a school, at a professional or school
7 athletic event not related to firearms, in a portion of an
8 establishment licensed by the State to dispense alcoholic
9 beverages for consumption on the premises, or inside the
10 sterile or passenger area of an airport, except to the extent
11 expressly permitted by State law.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for such chapter is amended by inserting after the item
14 relating to section 926A the following:

“926B. National standard for the carrying of certain concealed firearms by non-
residents.”.

15 **SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER**
16 **LAW ENFORCEMENT OFFICERS FROM STATE**
17 **LAWS PROHIBITING THE CARRYING OF CON-**
18 **CEALED HANDGUNS.**

19 (a) IN GENERAL.—Chapter 44 of title 18, United
20 States Code, is amended by inserting after section 926B,
21 as added by section 1(a) of this Act, the following:

1 **“§ 926C. Carrying of concealed handguns by qualified**
2 **current and former law enforcement offi-**
3 **cers**

4 “(a) Notwithstanding any other provision of the law
5 of any State or any political subdivision thereof, an indi-
6 vidual who is a qualified law enforcement officer or a
7 qualified former law enforcement officer and who is carry-
8 ing appropriate written identification of such status may
9 carry a concealed handgun.

10 “(b) As used in this section:

11 “(1) The term ‘qualified law enforcement offi-
12 cer’ means an officer, agent, or employee of a public
13 agency who—

14 “(A) is a law enforcement officer;

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

17 “(C) is not the subject of any disciplinary
18 action by the agency; and

19 “(D) meets such requirements as have
20 been established by the agency with respect to
21 firearms.

22 “(2) The term ‘qualified former law enforce-
23 ment officer’ means an individual who—

24 “(A) retired from service with a public
25 agency as a law enforcement officer, other than
26 for reasons of mental disability;

1 “(B) immediately before such retirement,
2 was a qualified law enforcement officer;

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

5 “(D) meets such requirements as have
6 been established by the State in which the indi-
7 vidual resides with respect to training in the
8 use of firearms; and

9 “(E) is not prohibited by Federal law from
10 receiving a firearm.

11 “(3) The term ‘law enforcement officer’ means
12 an individual authorized by law to engage in or su-
13 pervise the prevention, detection, investigation, or
14 prosecution of any violation of law, and includes cor-
15 rections, probation, parole, and judicial officers.

16 “(4) The term ‘appropriate written identifica-
17 tion’ means, with respect to an individual, a docu-
18 ment which—

19 “(A) was issued to the individual by the
20 public agency with which the individual serves
21 or served as a law enforcement officer; and

22 “(B) identifies the holder of the document
23 as a current or former officer, agent, or em-
24 ployee of the agency.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such chapter is amended by inserting after the item
3 added by section 1(b) of this Act the following:

“926C. Carrying of concealed handguns by qualified current and former law enforcement officers.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect 180 days after the date of
6 the enactment of this Act.

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