

Calendar No. 761

107TH CONGRESS
2D SESSION

S. 2480

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

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

Mr. LEAHY (for himself, Mr. HATCH, Mr. BAUCUS, Mr. DOMENICI, Mr. CLELAND, Mr. MCCONNELL, Mr. SESSIONS, Mr. DAYTON, Mr. BUNNING, Mr. ALLEN, Mr. TORRICELLI, Mr. WARNER, Mr. JOHNSON, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, Mr. MILLER, Mr. EDWARDS, Mr. GRASSLEY, Mr. INHOFE, Mrs. LINCOLN, Mr. CONRAD, Mr. HUTCHINSON, Mr. SANTORUM, Mrs. BOXER, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. DORGAN, Ms. CANTWELL, Mr. DEWINE, Mr. KYL, Mr. HARKIN, Mr. SMITH of New Hampshire, Mr. NELSON of Nebraska, Ms. COLLINS, Ms. LANDRIEU, Mr. SHELBY, Mr. REID, Mr. MURKOWSKI, Mr. BURNS, Mr. GREGG, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

NOVEMBER 14, 2002

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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 handguns.

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 “Law Enforcement Offi-
 5 cers Safety Act of 2002”.

6 **SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OF-**
 7 **FICERS FROM STATE LAWS PROHIBITING**
 8 **THE CARRYING OF CONCEALED FIREARMS.**

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

12 **“§ 926B. Carrying of concealed firearms by qualified**
 13 **law enforcement officers**

14 “(a) Notwithstanding any other provision of the law
 15 of any State or any political subdivision thereof, an indi-
 16 vidual who is a qualified law enforcement officer and who
 17 is carrying the identification required by subsection (d)
 18 may carry a concealed firearm that has been shipped or
 19 transported in interstate or foreign commerce, subject to
 20 subsection (b).

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

23 “(1) permit private persons or entities to pro-
 24 hibit or restrict the possession of concealed firearms
 25 on their property; or

1 “(2) prohibit or restrict the possession of fire-
 2 arms on any State or local government property, in-
 3 stallation, building, base, or park.

4 “(c) As used in this section, the term ‘qualified law
 5 enforcement officer’ means an employee of a governmental
 6 agency who—

7 “(1) is authorized by law to engage in or super-
 8 vise the prevention, detection, investigation, or pros-
 9 ecution of, or the incarceration of any person for,
 10 any violation of law, and has statutory powers of ar-
 11 rest;

12 “(2) is authorized by the agency to carry a fire-
 13 arm;

14 “(3) is not the subject of any disciplinary action
 15 by the agency; ~~and~~

16 “(4) meets standards, if any, established by the
 17 agency which require the employee to regularly qual-
 18 ify in the use of a firearm; *and*

19 “(5) *is not prohibited by Federal law from re-*
 20 *ceiving a firearm.*

21 “(d) The identification required by this subsection is
 22 the photographic identification issued by the governmental
 23 agency for which the individual is, or was, employed as
 24 a law enforcement officer.”.

1 “(e) *DEFINED TERM.*—As used in this section, the
2 term ‘firearm’ does not include—

3 “(1) any machinegun (as defined in section 5845
4 of title 26);

5 “(2) any firearm silencer (as defined in section
6 921); and

7 “(3) any destructive device (as defined in section
8 921).”.

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

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

12 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW EN-**
13 **FORCEMENT OFFICERS FROM STATE LAWS**
14 **PROHIBITING THE CARRYING OF CON-**
15 **CEALED FIREARMS.**

16 (a) *IN GENERAL.*—Chapter 44 of title 18, United
17 States Code, is further amended by inserting after section
18 926B the following:

19 **“§ 926C. Carrying of concealed firearms by qualified**
20 **retired law enforcement officers**

21 “(a) Notwithstanding any other provision of the law
22 of any State or any political subdivision thereof, an indi-
23 vidual who is a qualified retired law enforcement officer
24 and who is carrying the identification required by sub-
25 section (d) may carry a concealed firearm that has been

1 shipped or transported in interstate or foreign commerce,
 2 subject to subsection (b).

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

5 “(1) permit private persons or entities to pro-
 6 hibit or restrict the possession of concealed firearms
 7 on their property; or

8 “(2) prohibit or restrict the possession of fire-
 9 arms on any State or local government property, in-
 10 stallation, building, base, or park.

11 “(c) As used in this section, the term ‘qualified re-
 12 tired law enforcement officer’ means an individual who—

13 “(1) retired in good standing from service with
 14 a public agency as a law enforcement officer, other
 15 than for reasons of mental instability;

16 “(2) before such retirement, was authorized by
 17 law to engage in or supervise the prevention, detec-
 18 tion, investigation, or prosecution of, or the incarcer-
 19 ation of any person for, any violation of law, and
 20 had statutory powers of arrest;

21 “(3)(A) before such retirement, was regularly
 22 employed as a law enforcement officer for an aggre-
 23 gate of ~~5 years~~ *15 years* or more; or

24 “(B) retired from service with such agency,
 25 after completing any applicable probationary period

1 of such service, due to a service-connected disability,
 2 as determined by such agency;

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

5 “(5) during the most recent 12-month period,
 6 has met, at the expense of the individual, the State’s
 7 standards for training ~~or qualification~~ *and qualifica-*
 8 *tion for active law enforcement officers* to carry fire-
 9 arms; and

10 “(6) is not prohibited by Federal law from re-
 11 ceiving a firearm.

12 “(d) The identification required by this subsection is
 13 photographic identification issued by the agency for which
 14 the individual was employed as a law enforcement offi-
 15 cer.”

16 “(e) *DEFINED TERM.—As used in this section, the*
 17 *term ‘firearm’ does not include—*

18 “(1) *any machinegun (as defined in section 5845*
 19 *of title 26);*

20 “(2) *any firearm silencer (as defined in section*
 21 *921); and*

22 “(3) *a destructive device (as defined in section*
 23 *921).”*

- 1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such chapter is further amended by inserting after the
3 item relating to section 926B the following:

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

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