

108TH CONGRESS
2^D SESSION

H. R. 218

AN ACT

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.

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Offi-
3 cers Safety Act of 2004”.

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

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

10 **“§ 926B. Carrying of concealed firearms by qualified**
11 **law enforcement officers**

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

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

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

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

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

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

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

11 “(3) is not the subject of any disciplinary action
12 by the agency;

13 “(4) meets standards, if any, established by the
14 agency which require the employee to regularly qual-
15 ify in the use of a firearm;

16 “(5) is not under the influence of alcohol or an-
17 other intoxicating or hallucinatory drug or sub-
18 stance; and

19 “(6) 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 employed as a law en-
24 forcement officer.

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

3 “(1) any machinegun (as defined in section
4 5845 of the National Firearms Act);

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

7 “(3) any destructive device (as defined in sec-
8 tion 921 of this title).”.

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 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 and qualification for active
8 law enforcement officers to carry firearms;

9 “(6) is not under the influence of alcohol or an-
10 other intoxicating or hallucinatory drug or sub-
11 stance; and

12 “(7) is not prohibited by Federal law from re-
13 ceiving a firearm.

14 “(d) The identification required by this subsection
15 is—

16 “(1) a photographic identification issued by the
17 agency from which the individual retired from serv-
18 ice as a law enforcement officer that indicates that
19 the individual has, not less recently than one year
20 before the date the individual is carrying the con-
21 cealed firearm, been tested or otherwise found by the
22 agency to meet the standards established by the
23 agency for training and qualification for active law
24 enforcement officers to carry a firearm of the same
25 type as the concealed firearm; or

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

4 “(B) a certification issued by the State in which
5 the individual resides that indicates that the indi-
6 vidual has, not less recently than one year before the
7 date the individual is carrying the concealed firearm,
8 been tested or otherwise found by the State to meet
9 the standards established by the State for training
10 and qualification for active law enforcement officers
11 to carry a firearm of the same type as the concealed
12 firearm.

13 “(e) As used in this section, the term ‘firearm’ does
14 not include—

15 “(1) any machinegun (as defined in section
16 5845 of the National Firearms Act);

17 “(2) any firearm silencer (as defined in section
18 921 of this title); and

19 “(3) a destructive device (as defined in section
20 921 of this title).”.

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

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

Passed the House of Representatives June 23, 2004.

Attest:

Clerk.