

111TH CONGRESS  
1ST SESSION

# H. R. 3752

To amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2009

Mr. FORBES introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, 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 “Law Enforcement Offi-  
5 cers Safety Act Improvements Act of 2009”.

1 **SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER**  
2 **SAFETY PROVISIONS OF TITLE 18.**

3 (a) CARRYING OF CONCEALED FIREARM BY QUALI-  
4 FIED LAW ENFORCEMENT OFFICER.—Section 926B of  
5 title 18, United States Code, is amended—

6 (1) in subsection (c)—

7 (A) in paragraph (1), by inserting “(or ap-  
8 prehension)” after “arrest”; and

9 (B) in paragraph (3), by inserting “which  
10 could result in suspension or loss of police pow-  
11 ers” before the semicolon;

12 (2) by striking subsection (e) and inserting the  
13 following:

14 “(e) As used in this section, the term ‘firearm’ has  
15 the same meaning as defined in section 921 of this title  
16 and is deemed to include ammunition the possession of  
17 which is not expressly prohibited by Federal law, or which  
18 are not subject to the provisions of the National Firearms  
19 Act, but does not include—

20 “(1) any machinegun (as defined in section  
21 5845 of the National Firearms Act);

22 “(2) any firearm silencer (as defined in section  
23 921 of this title); or

24 “(3) any destructive device (as defined in sec-  
25 tion 921 of this title).”; and

26 (3) by adding at the end the following:

1       “(f) For purposes of this section, a law enforcement  
2 officer of the Amtrak Police Department, a law enforce-  
3 ment officer of the Federal Reserve System, and a law  
4 enforcement or police officer of the executive branch of  
5 the Federal Government qualifies as an employee of a gov-  
6 ernmental agency who is authorized by law to engage in  
7 or supervise the prevention, detection, investigation, or  
8 prosecution of, or the incarceration of any person for, any  
9 violation of law, and has statutory powers of arrest (or  
10 apprehension).”.

11       (b) CARRYING OF CONCEALED FIREARM BY QUALI-  
12 FIED RETIRED LAW ENFORCEMENT OFFICER.—Section  
13 926C of title 18, United States Code, is amended—

14               (1) in subsection (c)—

15                       (A) by striking paragraph (1) and insert-  
16                       ing the following:

17                               “(1) separated from service in good standing,  
18                       or was honorably discharged from service, with a  
19                       public agency as a law enforcement officer;”.

20                       (B) in paragraph (2)—

21                               (i) by striking “retirement” and in-  
22                               serting “separation”; and

23                               (ii) by inserting “or apprehension”  
24                               after “arrest”; and

1 (C) by striking paragraphs (3) through (5)  
2 and inserting the following:

3 “(3)(A) before such separation, served as a law  
4 enforcement officer for an aggregate of 10 years or  
5 more; or

6 “(B) separated from service with the agency,  
7 after completing any applicable probationary period  
8 of such service, due to a service-connected disability,  
9 as determined by the agency;

10 “(4) during the most recent 12-month period,  
11 has met, at the expense of the individual, the stand-  
12 ards for qualification in firearms training for active  
13 law enforcement officers as set by the agency, the  
14 State in which the officer resides, or if the State has  
15 not established the standards, a law enforcement  
16 agency in the State in which the officer resides;

17 “(5)(A) has not been found by a physician, li-  
18 censed as such under State law, to not be qualified  
19 to handle a firearm for reasons related to mental  
20 health; and

21 “(B) has not entered into an agreement with  
22 the agency, in which the officer acknowledges he is  
23 not qualified to handle a firearm for reasons related  
24 to mental health;”;

25 (2) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) by striking “retired” and inserting  
3 “separated”; and

4 (ii) by striking “to meet the standards  
5 established by the agency for training and  
6 qualification for active law enforcement of-  
7 ficers to carry a firearm of the same type  
8 as the concealed firearm; or” and inserting  
9 “to meet the active duty standards for  
10 qualification in firearms training as estab-  
11 lished by the agency to carry a firearm of  
12 the same type as the concealed firearm  
13 or”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A), by striking  
16 “retired” and inserting “separated”; and

17 (ii) by striking subparagraph (B) and  
18 inserting the following:

19 “(B) a certification issued by the State in  
20 which the individual resides, or by a certified  
21 firearms instructor that is qualified to conduct  
22 a firearms qualification test for active duty offi-  
23 cers in the State, which indicates that the indi-  
24 vidual has, not less recently than 1 year before  
25 the date the individual is carrying the concealed

1 firearm, been tested or otherwise found by the  
2 State or the certified firearms instructor to  
3 have met—

4 “(i) the active duty standards for  
5 qualification in firearms training as estab-  
6 lished by the State to carry a firearm of  
7 the same type as the concealed firearm; or

8 “(ii) if the State has not established  
9 such standards, standards set by a law en-  
10 forcement agency in the State to carry a  
11 firearm of the same type as the concealed  
12 firearm.”.

13 (3) by striking subsection (e) and inserting the  
14 following:

15 “(e) As used in this section, the term ‘firearm’ has  
16 the same meaning as defined in section 921 of this title  
17 and is deemed to include ammunition the possession of  
18 which is not expressly prohibited by Federal law, or which  
19 are not subject to the provisions of the National Firearms  
20 Act, but does not include—

21 “(1) any machinegun (as defined in section  
22 5845 of the National Firearms Act);

23 “(2) any firearm silencer (as defined in section  
24 921 of this title); or

1           “(3) any destructive device (as defined in sec-  
2           tion 921 of this title).”; and

3           (4) by adding at the end the following:

4           “(f) In this section, the term ‘service with a public  
5           agency as a law enforcement officer’ includes service as  
6           a law enforcement officer of the Amtrak Police Depart-  
7           ment, service as a law enforcement officer of the Federal  
8           Reserve System, service as a law enforcement officer or  
9           in a primarily law enforcement capacity for a branch of  
10          the United States Armed Forces, or as a law enforcement  
11          or police officer of the executive branch of the Federal  
12          Government.”.

13          (c) POSSESSION OF FIREARM IN A SCHOOL ZONE BY  
14          QUALIFIED LAW ENFORCEMENT OFFICER OR QUALIFIED  
15          RETIRED LAW ENFORCEMENT OFFICER.—Section  
16          922(q)(2)(B)(vi) of such title is amended by inserting “,  
17          a qualified law enforcement officer (as defined in section  
18          926B(c)), or a qualified retired law enforcement officer  
19          (as defined in section 926C(c))” before the semicolon.

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