

Union Calendar No. 326

108TH CONGRESS
2^D SESSION

H. R. 218

[Report No. 108-560]

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 HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. CUNNINGHAM (for himself, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. JENKINS, Mr. SHUSTER, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. WAMP, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mr. SHIMKUS, Mr. MICA, Mr. SHAYS, Mr. ISAKSON, Mr. MOORE, Mr. CRANE, Ms. BERKLEY, Mr. MCHUGH, Mr. CRAMER, Mr. KLECZKA, Mrs. CUBIN, Mr. MCGOVERN, Mr. LEWIS of California, Mr. HINCHEY, Mr. STUPAK, Mr. HALL, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. TERRY, Mr. RYAN of Ohio, Mr. ALEXANDER, Mr. DUNCAN, Mr. BILIRAKIS, Mr. BAIRD, Mr. BISHOP of Georgia, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. HOLDEN, Mr. POMEROY, Mr. SAXTON, Mr. LINDER, Mr. ROGERS of Alabama, Mr. COBLE, Mr. ETHERIDGE, Mr. SCHIFF, Mr. SIMMONS, Mr. FRANKS of Arizona, Mr. WALSH, Mr. KING of New York, Mrs. KELLY, Mr. HOEFFEL, Mr. BUYER, Mr. REHBERG, Mr. HAYWORTH, Mr. RAHALL, Mr. SOUDER, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. KANJORSKI, Mr. FORBES, and Mr. BAKER) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 22, 2004

Additional sponsors: Mr. DINGELL, Mr. NEY, Mr. ANDREWS, Mr. COMBEST, Mrs. EMERSON, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. CARSON of Oklahoma, Mr. SKELTON, Mr. PALLONE, Mr. PASCRELL, Mr. HOLT, Mr. RYAN of Wisconsin, Mr. HOSTETTLER, Mr. MCINNIS, Mr. WALDEN of Oregon, Mr. OTTER, Mr. GREEN of Wisconsin, Mr. MILLER of Florida, Mr. FOSSELLA, Mr. KELLER, Mr. RENZI, Mr. COSTELLO, Mr. SESSIONS, Mr. SULLIVAN, Mr. UPTON, Mr. BARTON of Texas, Mr. LUCAS of Kentucky, Mr. MEEHAN, Mrs. JOHNSON of Connecticut, Mr. CANNON, Mr.

BLUNT, Mr. WELDON of Florida, Mr. STENHOLM, Mr. JOHNSON of Illinois, Mr. BARRETT of South Carolina, Mr. HULSHOF, Mr. NORWOOD, Mr. TIAHRT, Mr. THOMAS, Ms. HART, Mr. JONES of North Carolina, Mr. LAHOOD, Mr. GOODE, Mr. SCHROCK, Mr. WILSON of South Carolina, Mr. HAYES, Mr. WELLER, Mr. SANDLIN, Mr. QUINN, Mrs. MYRICK, Mrs. NORTHRUP, Mr. CHOCOLA, Mr. TURNER of Texas, Mr. WICKER, Mr. DAVIS of Tennessee, Mr. FOLEY, Mr. PEARCE, Mr. FROST, Mr. GORDON, Mr. COOPER, Mr. ENGLISH, Mr. RAMSTAD, Mr. BACHUS, Mr. GINGREY, Mrs. MCCARTHY of New York, Mr. BURR, Mr. ADERHOLT, Ms. CORRINE BROWN of Florida, Mr. GOODLATTE, Mr. PICKERING, Mr. GILLMOR, Mr. TANNER, Mr. PLATTS, Mrs. BIGGERT, Mr. MANZULLO, Mr. GUTKNECHT, Mr. MENENDEZ, Mr. LARSEN of Washington, Mr. SIMPSON, Mr. LATOURETTE, Mr. BISHOP of New York, Mr. MATHESON, Mr. TAYLOR of Mississippi, Mr. FORD, Mr. UDALL of New Mexico, Mr. TOOMEY, Mr. PORTER, Ms. MCCARTHY of Missouri, Mr. CHABOT, Mr. GALLEGLY, Mr. WEINER, Mr. LANGEVIN, Mrs. BONO, Mr. PENCE, Mr. FLETCHER, Mr. PORTMAN, Mr. HASTINGS of Florida, Mr. BOSWELL, Mr. HASTINGS of Washington, Mr. FRELINGHUYSEN, Mr. ROYCE, Mr. SWEENEY, Mr. VITTER, Mr. CROWLEY, Mr. MURPHY, Mrs. WILSON of New Mexico, Mr. TAYLOR of North Carolina, Mr. BURTON of Indiana, Mr. ISSA, Mr. JOHN, Mr. DEMINT, Mr. DOOLITTLE, Mr. MURTHA, Mr. COLE, Mr. SMITH of New Jersey, Mr. SHAW, Mr. EVANS, Mr. FEENEY, Mr. CANTOR, Mr. WHITFIELD, Mr. SHADEGG, Mr. BOUCHER, Mr. OXLEY, Mr. TANCREDO, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. CRENSHAW, Mr. ISRAEL, Mr. HERGER, Mr. GOSS, Mr. ROGERS of Michigan, Mr. CLAY, Mr. FILNER, Mr. MCKEON, Mr. KINGSTON, Mr. DAVIS of Illinois, Mr. TIBERI, Mr. BONILLA, Mr. BOEHNER, Mr. HILL, Mr. LIPINSKI, Mr. ROGERS of Kentucky, Mr. GREENWOOD, Mr. HEFLEY, Mr. OSE, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. DEAL of Georgia, Mr. LATHAM, Mrs. CAPITO, Mr. RADANOVICH, Mr. ISTOOK, Mr. PETERSON of Pennsylvania, Mr. STEARNS, Mr. THOMPSON of Mississippi, Mr. DEFazio, Mr. MORAN of Kansas, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. McNULTY, Mrs. BLACKBURN, Mr. PETRI, Mr. BROWN of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. REGULA, Ms. CARSON of Indiana, Mr. PITTS, Mr. BOOZMAN, Mrs. MILLER of Michigan, Ms. PRYCE of Ohio, Mr. NETHERCUTT, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. LEVIN, Mr. JANKLOW, Mr. CAMP, Mr. CARTER, Mr. BACA, Ms. ESHOO, Mr. LAMPSON, Mr. KILDEE, Mr. HOEKSTRA, Mr. COX, Mr. BURGESS, Ms. HARRIS, Mr. POMBO, Mr. CULBERSON, Mr. OSBORNE, Ms. HOOLEY of Oregon, Mr. PAUL, Ms. ROS-LEHTINEN, Ms. MILLENDER-McDONALD, Ms. GRANGER, Mr. COLLINS, Ms. LORETTA SANCHEZ of California, Mr. NUSSLE, Mr. BISHOP of Utah, Mr. EVERETT, Mr. GARY G. MILLER of California, Mr. HENSARLING, Mr. REYES, Mr. GERLACH, Mr. MORAN of Virginia, Mr. NUNES, Mr. SMITH of Washington, Mrs. CAPPs, Mr. INSLEE, Mr. MARSHALL, Mr. DAVIS of Alabama, Mr. JEFFERSON, Mr. KLINE, Mr. KIND, Mr. PUTNAM, Ms. DELAURO, Mr. REYNOLDS, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, Mr. TURNER of Ohio, Mr. BURNS, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. BOEHLERT, Ms. MAJETTE, Ms. SLAUGHTER, Mr. AKIN, Ms. JACK-

SON-LEE of Texas, Mr. MILLER of North Carolina, Mr. CHANDLER, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. DEUTSCH, and Mr. BLUMENAUER.

JUNE 22, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on January 7, 2003]

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 2003”.*

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

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

1 *vidual who is a qualified law enforcement officer and who*
2 *is carrying the identification required by subsection (d)*
3 *may carry a concealed firearm that has been shipped or*
4 *transported in interstate or foreign commerce, subject to*
5 *subsection (b).*

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

8 “(1) *permit private persons or entities to pro-*
9 *hibit or restrict the possession of concealed firearms*
10 *on their property; or*

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

14 “(c) *As used in this section, the term ‘qualified law*
15 *enforcement officer’ means an employee of a governmental*
16 *agency who—*

17 “(1) *is authorized by law to engage in or super-*
18 *vide the prevention, detection, investigation, or pros-*
19 *ecution of, or the incarceration of any person for, any*
20 *violation of law, and has statutory powers of arrest;*

21 “(2) *is authorized by the agency to carry a fire-*
22 *arm;*

23 “(3) *is not the subject of any disciplinary action*
24 *by the agency;*

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

4 “(5) is not under the influence of alcohol or an-
5 other intoxicating or hallucinatory drug or substance;
6 and

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

9 “(d) The identification required by this subsection is
10 the photographic identification issued by the governmental
11 agency for which the individual is employed as a law en-
12 forcement officer.

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

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

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

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

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

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

1 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCE-**
2 **MENT OFFICERS FROM STATE LAWS PROHIB-**
3 **ITING THE CARRYING OF CONCEALED FIRE-**
4 **ARMS.**

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

8 **“§926C. Carrying of concealed firearms by qualified**
9 **retired law enforcement officers**

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

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

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

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

25 “(c) *As used in this section, the term ‘qualified retired*
26 *law enforcement officer’ means an individual who—*

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

4 “(2) before such retirement, was authorized by
5 law to engage in or supervise the prevention, detec-
6 tion, investigation, or prosecution of, or the incarcer-
7 ation of any person for, any violation of law, and
8 had statutory powers of arrest;

9 “(3)(A) before such retirement, was regularly em-
10 ployed as a law enforcement officer for an aggregate
11 of 15 years or more; or

12 “(B) retired from service with such agency, after
13 completing any applicable probationary period of
14 such service, due to a service-connected disability, as
15 determined by such agency;

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

18 “(5) during the most recent 12-month period, has
19 met, at the expense of the individual, the State’s
20 standards for training and qualification for active
21 law enforcement officers to carry firearms; and

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

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

1 “(1) a photographic identification issued by the
2 agency from which the individual retired from service
3 as a law enforcement officer that indicates that the
4 individual has, not less recently than one year before
5 the date the individual is carrying the concealed fire-
6 arm, been tested or otherwise found by the agency to
7 meet the standards established by the agency for
8 training and qualification for active law enforcement
9 officers to carry a firearm of the same type as the
10 concealed firearm; or

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

14 “(B) a certification issued by the State in which
15 the individual resides that indicates that the indi-
16 vidual has, not less recently than one year before the
17 date the individual is carrying the concealed firearm,
18 been tested or otherwise found by the State to meet the
19 standards established by the State for training and
20 qualification for active law enforcement officers to
21 carry a firearm of the same type as the concealed fire-
22 arm.

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

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

3 “(2) any firearm silencer (as defined in section
4 921 of this title); and

5 “(3) a destructive device (as defined in section
6 921 of this title).”.

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

 “926C. *Carrying of concealed firearms by qualified retired law enforcement offi-*
 cers.”.

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