shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: *Provided*, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

(Added Pub. L. 99–360, §1(a), July 8, 1986, 100 Stat. 766.)

PRIOR PROVISIONS

A prior section 926A, added Pub. L. 99–308, §107(a), May 19, 1986, 100 Stat. 460, provided that any person not prohibited by this chapter from transporting, shipping, or receiving a firearm be entitled to transport an unloaded, not readily accessible firearm in interstate commerce notwithstanding any provision of any legislation enacted, or rule or regulation prescribed by any State or political subdivision thereof, prior to repeal by Pub. L. 99–360, §1(a).

EFFECTIVE DATE

Section effective on date on which Firearms Owners' Protection Act, Pub. L. 99–308, became effective, see section 2 of Pub. L. 99–360, set out as an Effective Date of 1986 Amendments note under section 921 of this title.

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

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

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

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term ''qualified law enforcement officer'' means an employee of a governmental agency who—

(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

(2) is authorized by the agency to carry a firearm;

(3) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;

(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(6) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

(e) As used in this section, the term ''firearm''—

(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(3) does not include—

(A) any machinegun (as defined in section 5845 of the National Firearms Act);

(B) any firearm silencer (as defined in section 921 of this title); and

(C) any destructive device (as defined in section 921 of this title).

(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.

(Added Pub. L. 108–277, §2(a), July 22, 2004, 118 Stat. 865; amended Pub. L. 111–272, §2(a), (b), Oct. 12, 2010, 124 Stat. 2855.)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of the Act is classified to section 5845 of Title 26.

AMENDMENTS

2010—Subsec. (c)(3). Pub. L. 111–272, §2(a)(1), inserted ''which could result in suspension or loss of police powers'' after ''agency''.

Subsec. (e). Pub. L. 111–272, §2(b), added subsec. (e) and struck out former subsec. (e) which read as follows: ''As used in this section, the term 'firearm' does not include—

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

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

''(3) any destructive device (as defined in section 921 of this title).''

Subsec. (f). Pub. L. 111–272, §2(a)(2), added subsec. (f).

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

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

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

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term ''qualified retired law enforcement officer'' means an individual who—

(1) separated from service in good standing from service with a public agency as a law enforcement officer;

(2) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

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

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

(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;

(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or

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

(B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

(e) As used in this section—

(1) the term ''firearm''—

(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(C) does not include—

(i) any machinegun (as defined in section 5845 of the National Firearms Act);

(ii) any firearm silencer (as defined in section 921 of this title); and

(iii) any destructive device (as defined in section 921 of this title); and

(2) the term ''service with a public agency as a law enforcement officer'' includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

(Added Pub. L. 108–277, §3(a), July 22, 2004, 118 Stat. 866; amended Pub. L. 111–272, §2(c), Oct. 12, 2010, 124 Stat. 2855.)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e)(1)(B), (C)(i), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of such Act is classified to section 5845 of Title 26.

AMENDMENTS

2010—Subsec. (c)(1). Pub. L. 111–272, §2(c)(1)(A), substituted ''separated from service'' for ''retired'' and struck out '', other than for reasons of mental instability'' after ''officer''.

Subsec. (c)(2). Pub. L. 111–272, §2(c)(1)(B), substituted ''separation'' for ''retirement''.

Subsec. (c)(3)(A). Pub. L. 111–272, §2(c)(1)(C)(i), substituted ''separation, served as a law enforcement officer for an aggregate of 10 years or more'' for ''retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more''.

Subsec. (c)(3)(B). Pub. L. 111–272, §2(c)(1)(C)(ii), substituted ''separated'' for ''retired''.

Subsec. (c)(4). Pub. L. 111–272, §2(c)(1)(D), added par. (4) and struck out former par. (4) which read as follows: ''has a nonforfeitable right to benefits under the retirement plan of the agency;''.

Subsec. (c)(5). Pub. L. 111–272, §2(c)(1)(E), added par. (5) and struck out former par. (5) which read as follows: ''during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;''.

Subsec. (d)(1). Pub. L. 111–272, §2(c)(2)(A), substituted ''separated'' for ''retired'' and ''to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm'' for ''to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm''.

Subsec. (d)(2)(A). Pub. L. 111–272, §2(c)(2)(B)(i), substituted ''separated'' for ''retired''.

Subsec. (d)(2)(B). Pub. L. 111–272, §2(c)(2)(B)(ii), substituted ''or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—'' for ''that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.'' and added cls. (I) and (II).

Subsec. (e). Pub. L. 111–272, §2(c)(3), added subsec. (e) and struck out former subsec. (e) which read as follows: ''As used in this section, the term 'firearm' does not include—

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

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

''(3) a destructive device (as defined in section 921 of this title).''

§ 927. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub. L. 90–351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90–618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90–618 struck out ''or possession'' after ''State'' wherever appearing.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–618 effective Dec. 16, 1968, see section 105 of Pub. L. 90–618, set out as a note under section 921 of this title.

§ 928. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Added Pub. L. 90–351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90–618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90–618 reenacted section without change.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–618 effective Dec. 16, 1968, see section 105 of Pub. L. 90–618, set out as a note under section 921 of this title.

§ 929. Use of restricted ammunition

(a)(1) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking crime be sentenced to a term of imprisonment for not less than five years.

(2) For purposes of this subsection, the term ''drug trafficking crime'' means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed.

(Added Pub. L. 98–473, title II, §1006(a), Oct. 12, 1984, 98 Stat. 2139; amended Pub. L. 99–308, §108, May 19, 1986, 100 Stat. 460; Pub. L. 99–408, §8, Aug. 28, 1986, 100 Stat. 921; Pub. L. 100–690, title VI, §6212, title VII, §7060(b), Nov. 18, 1988, 102 Stat. 4360, 4404; Pub. L. 107–273, div. B, title IV, §4002(c)(4), Nov. 2, 2002, 116 Stat. 1809; Pub. L. 109–304, §17(d)(4), Oct. 6, 2006, 120 Stat. 1707.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a)(2), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (a)(2), is title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.