

# Union Calendar No. 460

105<sup>TH</sup> CONGRESS  
2D SESSION

# H. R. 218

[Report No. 105-819]

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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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. CUNNINGHAM (for himself, Ms. MOLINARI, Mr. PACKARD, Mr. HUNTER, Mr. BILBRAY, Mrs. MYRICK, Mr. COBLE, Mr. FROST, Mr. COBURN, Mr. BRYANT, Mr. COLLINS, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 14, 1998

Additional sponsors: Mr. BARTLETT of Maryland, Mr. PORTMAN, Mr. SAXTON, Mr. McKEON, Mr. GILLMOR, Mr. STUMP, Mr. BLILEY, Mr. LIPINSKI, Mr. CRAMER, Mr. HASTINGS of Washington, Mr. DUNCAN, Mr. COOK, Mr. BARCIA, Mr. BAKER, Mr. FOLEY, Mr. FOX of Pennsylvania, Mr. YOUNG of Alaska, Mr. LATOURETTE, Mr. HAYWORTH, Mrs. EMERSON, Mr. WELLER, Mrs. KELLY, Mr. WISE, Mr. RAHALL, Mr. NEY, Mr. KLECZKA, Mr. NORWOOD, Mr. ROYCE, Mr. DOOLITTLE, Mr. HOLDEN, Mr. BONILLA, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. GOODE, Ms. DANNER, Mr. LINDER, Mr. QUINN, Mr. WATTS of Oklahoma, Mr. FORBES, Mrs. THURMAN, Mr. LUCAS of Oklahoma, Mr. BARR of Georgia, Mr. MCINTYRE, Mr. HULSHOF, Mr. SOLOMON, Mr. THORNBERRY, Mr. KING, Mr. ENSIGN, Mr. POSHARD, Mr. TURNER, Mr. GALLEGLY, Mr. TRAFICANT, Mr. WELDON of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. BARRETT of Nebraska, Mr. WAMP, Mr. KINGSTON, Mr. CHAMBLISS, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of North Carolina, Mr. LEWIS of California, Mr. DAN SCHAEFER of Colorado, Mr. SESSIONS, Mr. HERGER, Mr. SCARBOROUGH, Mr. GOODLATTE, Mr. GOSS, Mr. STEARNS, Mr. LEWIS of Kentucky, Mr. CALVERT, Mr. GORDON, Mr. POMBO, Mr. HILLEARY, Mr. WELDON of Florida, Mr. CHRISTENSEN, Mr. TIAHRT, Mr. PAUL, Mr. STRICKLAND, Mr. PAPPAS, Mr. RIGGS, Mr. ADAM SMITH of Washington, Mr. GREEN, Mr. PICKERING, Mr. MAS-

CARA, Mr. THOMPSON, Mr. CLEMENT, Mr. UPTON, Mr. HALL of Ohio, Ms. DUNN, Ms. GRANGER, Mr. SHERMAN, Mr. TALENT, Mrs. FOWLER, Mr. SKEEN, Mr. ADERHOLT, Mr. CAMP, Mr. DOYLE, Mr. CRANE, Mr. EHRLICH, Mr. NEUMANN, Mr. DICKEY, Mr. SUNUNU, Mr. SALMON, Mr. BILIRAKIS, Mr. HOSTETTLER, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. ING-LIS of South Carolina, Mr. SPENCE, Mr. MCINTOSH, Mr. PICKETT, Mr. JONES, Mr. BISHOP, and Mr. GILMAN

Deleted sponsor: Mr. BILBRAY (added January 7, 1997; deleted September 10, 1998)

OCTOBER 14, 1998

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 italic]

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## 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 “Community Protection  
5 Act of 1997”.

6 **SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER**  
7 **LAW ENFORCEMENT OFFICERS FROM STATE**  
8 **LAWS PROHIBITING THE CARRYING OF CON-**  
9 **CEALED HANDGUNS.**

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

1 **“§ 926B. Carrying of concealed handguns by qualified**  
 2 **current and former law enforcement offi-**  
 3 **eers**

4 “(a) Notwithstanding any other provision of the law  
 5 of any State or any political subdivision thereof, an indi-  
 6 vidual who is a qualified law enforcement officer or a  
 7 qualified former law enforcement officer and who is carry-  
 8 ing appropriate written identification of such status may  
 9 carry a concealed handgun.

10 “(b) As used in this section:

11 “(1) The term ‘qualified law enforcement offi-  
 12 cer’ means an officer, agent, or employee of a public  
 13 agency who—

14 “(A) is a law enforcement officer;

15 “(B) is authorized by the agency to carry  
 16 a firearm in the course of duty; and

17 “(C) is not the subject of any disciplinary  
 18 action by the agency; and

19 “(D) meets such requirements as have  
 20 been established by the agency with respect to  
 21 firearms.

22 “(2) The term ‘qualified former law enforce-  
 23 ment officer’ means an individual who—

24 “(A) retired from service with a public  
 25 agency as a law enforcement officer, other than  
 26 for reasons of mental disability; and

1           ~~“(B) immediately before such retirement,~~  
2           ~~was a qualified law enforcement officer;~~

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

5           ~~“(D) meets such requirements as have~~  
6           ~~been established by the State in which the indi-~~  
7           ~~vidual resides with respect to training in the~~  
8           ~~use of firearms; and~~

9           ~~“(E) is not prohibited by Federal law from~~  
10          ~~receiving a firearm.~~

11          ~~“(3) The term ‘law enforcement officer’ means~~  
12          ~~an individual authorized by law to engage in or su-~~  
13          ~~pervise the prevention, detection, investigation, or~~  
14          ~~prosecution of any violation of law, and includes cor-~~  
15          ~~rections, probation, parole, and judicial officers.~~

16          ~~“(4) The term ‘appropriate written identifica-~~  
17          ~~tion’ means, with respect to an individual, a docu-~~  
18          ~~ment which—~~

19                 ~~“(A) was issued to the individual by the~~  
20                 ~~public agency with which the individual serves~~  
21                 ~~or served as a law enforcement officer; and~~

22                 ~~“(B) identifies the holder of the document~~  
23                 ~~as a current or former officer, agent, or em-~~  
24                 ~~ployee of the agency.”.~~

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

“926B. Carrying of concealed handguns by qualified current and former law en-  
 forcement officers.”.

4       (c) ~~EFFECTIVE DATE.~~—The amendments made by  
 5 this section shall take effect 180 days after the date of  
 6 the enactment of this Act.

7       **SECTION 1. SHORT TITLE.**

8       *This Act may be cited as the “Community Protection*  
 9 *Act of 1998”.*

10       **SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OF-**  
 11                               **FICERS FROM STATE LAWS PROHIBITING THE**  
 12                               **CARRYING OF CONCEALED FIREARMS.**

13       (a) *IN GENERAL.*—Chapter 44 of title 18, United  
 14 States Code, is amended by inserting after section 926A the  
 15 following:

16       **“§926B. Carrying of concealed firearms by qualified**  
 17                               **law enforcement officers**

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

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

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

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

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

12               “(1) *is authorized by law to engage in or super-*  
13 *vise the prevention, detection, investigation, or pros-*  
14 *ecution of, or the incarceration of any person for, any*  
15 *violation of law, and has statutory powers of arrest;*

16               “(2) *is authorized by the agency to carry a fire-*  
17 *arm at all times;*

18               “(3) *is not the subject of any disciplinary action*  
19 *by the agency; and*

20               “(4) *meets standards, if any, established by the*  
21 *agency which require the employee to regularly qual-*  
22 *ify in the use of a firearm.*

23       “(d) *The identification required by this subsection is*  
24 *the official badge and photographic identification issued by*

1 *the governmental agency for which the individual is em-*  
 2 *ployed as a law enforcement officer.”.*

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

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

6 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCE-**  
 7 **MENT OFFICERS FROM STATE LAWS PROHIB-**  
 8 **ITING THE CARRYING OF CONCEALED FIRE-**  
 9 **ARMS.**

10 (a) *IN GENERAL.—Chapter 44 of title 18, United*  
 11 *States Code, is further amended by inserting after section*  
 12 *926B the following:*

13 **“§926C. Carrying of concealed firearms by qualified**  
 14 **retired law enforcement officers**

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

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

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

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

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

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

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

17          “(3)(A) before such retirement, was regularly em-  
18       ployed as a law enforcement officer for an aggregate  
19       of 5 years or more; or

20          “(B) retired from service with such agency, after  
21       completing any applicable probationary period of  
22       such service, due to a service-connected disability, as  
23       determined by such agency;

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



1           “(5) during the most recent 12-month period or,  
 2           if the agency requires active duty officers to do so  
 3           with lesser frequency than every 12 months, during  
 4           such most recent period as the agency requires with  
 5           respect to active duty officers, has completed, at the  
 6           expense of the individual, a program approved by the  
 7           State for training or qualification in the use of fire-  
 8           arms; and

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

11          “(d) The identification required by this subsection is  
 12          photographic identification issued by the State in which the  
 13          agency for which the individual was employed as a law  
 14          enforcement officer is located.”.

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

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

18       **SEC. 4. NATIONAL STANDARD FOR THE CARRYING OF CER-**  
 19       **TAIN CONCEALED FIREARMS.**

20          (a) *IN GENERAL.*—Chapter 44 of title 18, United  
 21          States Code, is further amended by inserting after section  
 22          926C the following:

1   **“§ 926D. National standard for the carrying of certain**  
2                   **concealed firearms**

3           “(a)(1) *Notwithstanding any residency requirement*  
4   *imposed by or under State law, a person who is not a resi-*  
5   *dent of a State may carry a concealed firearm in the State,*  
6   *subject to the other laws of the State, if—*

7                   “(A) *the person is not prohibited by Federal law*  
8   *from possessing, transporting, shipping, or receiving*  
9   *a firearm;*

10                   “(B) *the firearm has been shipped or transported*  
11   *in interstate or foreign commerce;*

12                   “(C) *the person is carrying a valid license or*  
13   *permit which—*

14                           “(i) *is issued by a State designated under*  
15                   *subsection (b) as a Class I State or a Class II*  
16                   *State; and*

17                           “(ii) *permits the person to carry a con-*  
18                   *cealed firearm in such Class I or Class II State;*  
19                   *and*

20                   “(D)(i) *the State is designated under subsection*  
21   *(b) as a Class I State; or*

22                           “(ii) *the State is designated under subsection (b)*  
23                   *as a Class II State, and has transmitted to the Attor-*  
24                   *ney General a declaration, not subsequently with-*  
25                   *drawn or rescinded, by the Governor or other chief ex-*

1        *ecutive officer of the State, that, for purposes of this*  
2        *section—*

3                *“(I) the State will treat a permit which*  
4                *meets the requirements of subparagraph (C) as if*  
5                *the permit were issued by the State; and*

6                *“(II) such officer is not prohibited by State*  
7                *law from making such a declaration.*

8                *“(2) Within 7 days after the Attorney General receives*  
9        *a declaration described in paragraph (1)(D)(ii), or a rev-*  
10        *ocation of such a declaration, the Attorney General shall*  
11        *publish in the Federal Register a notice advising the public*  
12        *of the terms and effective date of the declaration or revoca-*  
13        *tion for purposes of this section.*

14                *“(b)(1) Not later than 90 days after the date of the*  
15        *enactment of this section, the Attorney General shall—*

16                *“(A) designate a State as a Class I State if the*  
17        *State is required to issue a license or permit to carry*  
18        *a concealed firearm to any person who meets criteria*  
19        *established in law or regulation, or if the meeting of*  
20        *such criteria by a person is sufficient to permit the*  
21        *person to carry a concealed firearm; and*

22                *“(B) designate a State as a Class II State if the*  
23        *State is authorized but not required to issue a license*  
24        *or permit to carry a concealed firearm to any person*  
25        *who meets criteria established in law or regulation.*

1       “(2)(A) *On authorization of the legislature of a State,*  
2 *the chief executive officer of the State may transmit to the*  
3 *Attorney General notice that, as a result of a change in*  
4 *State law, the designation in effect with respect to the State*  
5 *under this subsection is no longer clearly warranted.*

6       “(B)(i) *Within 7 days after being informed of any*  
7 *change in law which warrants the redesignation of a State*  
8 *under this subsection, the Attorney General shall redesign-*  
9 *ate the State, as appropriate, and publish notice of the*  
10 *redesignation in the Federal Register.*

11       “(ii) *For purposes of this section, a redesignation shall*  
12 *take effect upon publication under clause (i) of notice of*  
13 *the redesignation.*

14       “(c) *The Attorney General shall commence an ongoing*  
15 *and regular compilation of all State laws, and where appli-*  
16 *cable, Federal laws, relating to the lawful carrying of con-*  
17 *cealed firearms by private citizens, and publish on an an-*  
18 *nual basis the same for use by the public.*

19       “(d) *As used in this section:*

20               “(1) *The term ‘State’ means any State, district,*  
21 *commonwealth, or territory of the United States.*

22               “(2) *The term ‘Attorney General’ means the At-*  
23 *torney General of the United States.*

24               “(3) *The term ‘concealed firearm’ does not in-*  
25 *clude a machine gun or destructive device.”.*

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

*“926D. National standard for the carrying of certain concealed firearms.”.*

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[Report No. 105-819]

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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.

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