

105TH CONGRESS  
1ST SESSION

# S. 816

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 1997

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and 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 “Personal Safety and  
5       Community Protection Act of 1997”.

1 **SEC. 2. NATIONAL STANDARD FOR THE CARRYING OF CER-**  
2 **TAIN CONCEALED FIREARMS BY NON-**  
3 **RESIDENTS.**

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

7 **“§ 926B. National standard for the carrying of certain**  
8 **concealed firearms by nonresidents**

9 “(a) IN GENERAL.—Notwithstanding any provision  
10 of the law of any State or political subdivision thereof,  
11 a person who is not prohibited by Federal law from pos-  
12 sessing, transporting, shipping, or receiving a firearm, and  
13 who is carrying a valid license or permit that is issued  
14 by a State and that permits the person to carry a con-  
15 cealed firearm (other than a machinegun or destructive  
16 device), may carry in another State a concealed firearm  
17 (other than a machinegun or destructive device) that has  
18 been shipped or transported in interstate or foreign com-  
19 merce, in accordance with subsection (b).

20 “(b) CONDITIONS.—

21 “(1) STATES ISSUING CONCEALED WEAPONS  
22 PERMITS.—For purposes of subsection (a), if such  
23 other State issues licenses or permits to carry con-  
24 cealed firearms, the person may carry a concealed  
25 firearm in the State under the same restrictions that  
26 apply to the carrying of a concealed firearm by a

1 person to whom the State has issued such a license  
 2 or permit.

3 “(2) OTHER STATES.—For purposes of sub-  
 4 section (a), if such other State does not issue li-  
 5 censes or permits to carry concealed firearms, except  
 6 to the extent expressly permitted by State law, the  
 7 person may not, in the State, carry a concealed fire-  
 8 arm—

9 “(A) in a police station;

10 “(B) in a public detention facility;

11 “(C) in a courthouse;

12 “(D) in a public polling place;

13 “(E) at a meeting of a State, county, or  
 14 municipal governing body;

15 “(F) in a school;

16 “(G) at a professional or school athletic  
 17 event not related to firearms;

18 “(H) in a portion of an establishment li-  
 19 censed by the State to dispense alcoholic bev-  
 20 erages for consumption on the premises; or

21 “(I) inside the sterile or passenger area of  
 22 an airport.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 24 ter 44 of title 18, United States Code, is amended by in-

1   serting after the item relating to section 926A the follow-  
 2   ing:

“926B. National standard for the carrying of certain concealed firearms by non-residents.”.

3   **SEC. 3. EXEMPTION OF QUALIFIED CURRENT AND FORMER**  
 4                   **LAW ENFORCEMENT OFFICERS FROM STATE**  
 5                   **LAWS PROHIBITING THE CARRYING OF CON-**  
 6                   **CEALED HANDGUNS.**

7       (a) IN GENERAL.—Chapter 44 of title 18, United  
 8   States Code, is amended by inserting after section 926B  
 9   (as added by section 1(a) of this Act) the following:

10   **“§ 926C. Carrying of concealed handguns by qualified**  
 11                   **current and former law enforcement offi-**  
 12                   **cers**

13       “(a) IN GENERAL.—Notwithstanding any other pro-  
 14   vision of the law of any State or any political subdivision  
 15   thereof, an individual who is a qualified law enforcement  
 16   officer or a qualified former law enforcement officer and  
 17   who is carrying appropriate written identification of that  
 18   status may carry a concealed handgun.

19       “(b) DEFINITIONS.—In this section:

20           “(1) APPROPRIATE WRITTEN IDENTIFICA-  
 21   TION.—The term ‘appropriate written identification’  
 22   means, with respect to an individual, a document  
 23   which—

1           “(A) was issued to the individual by the  
2           public agency with which the individual serves  
3           or served as a law enforcement officer; and

4           “(B) identifies the holder of the document  
5           as a current or former officer, agent, or em-  
6           ployee of the agency.

7           “(2) LAW ENFORCEMENT OFFICER.—The term  
8           ‘law enforcement officer’ means an individual au-  
9           thorized by law to engage in or supervise the preven-  
10          tion, detection, investigation, or prosecution of any  
11          violation of law, and includes corrections, probation,  
12          parole, and judicial officers.

13          “(3) QUALIFIED FORMER LAW ENFORCEMENT  
14          OFFICER.—The term ‘qualified former law enforce-  
15          ment officer’ means an individual who—

16               “(A) retired from service with a public  
17               agency as a law enforcement officer, other than  
18               for reasons of mental disability;

19               “(B) immediately before such retirement,  
20               was a qualified law enforcement officer;

21               “(C) has a nonforfeitable right to benefits  
22               under the retirement plan of the agency;

23               “(D) meets such requirements as have  
24               been established by the State in which the indi-

1           vidual resides with respect to training in the  
2           use of firearms; and

3           “(E) is not prohibited by Federal law from  
4           receiving a firearm.

5           “(4) QUALIFIED LAW ENFORCEMENT OFFI-  
6           CER.—The term ‘qualified law enforcement officer’  
7           means an officer, agent, or employee of a public  
8           agency who—

9           “(A) is a law enforcement officer;

10          “(B) is authorized by the agency to carry  
11          a firearm in the course of duty;

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

14          “(D) meets such requirements as have  
15          been established by the agency with respect to  
16          firearms.”.

17          (b) CLERICAL AMENDMENT.—The analysis for chap-  
18          ter 44 of title 18, United States Code, is amended by in-  
19          serting after the item relating to section 926B (as added  
20          by section 1(b) of this Act) the following:

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

21          (c) EFFECTIVE DATE.—The amendments made by  
22          this section shall take effect 180 days after the date of  
23          enactment of this Act.

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