

106TH CONGRESS
1ST SESSION

H. R. 218

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 6, 1999

Mr. CUNNINGHAM (for himself, Mr. YOUNG of Alaska, Mr. TALENT, Ms. PRYCE of Ohio, Mr. CALLAHAN, Mr. PACKARD, Mr. TAYLOR of North Carolina, Mr. HUNTER, Mr. CHAMBLISS, Mr. CLEMENT, Mr. HAYWORTH, Mr. SUNUNU, Ms. DANNER, Mr. GOODE, Mrs. KELLY, Mr. EHRLICH, Mr. LATOURETTE, Mr. HILLEARY, Mr. GREEN of Texas, Mr. RAHALL, Mr. SMITH of Washington, Mr. HERGER, Mr. PICKETT, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. BARR of Georgia, Mr. HOLDEN, Mr. COBURN, Mr. JENKINS, Mr. KLECZKA, Mr. SALMON, Mr. BRYANT, Mr. HALL of Texas, Mr. LUCAS of Oklahoma, Mrs. MYRICK, Mr. PETERSON of Pennsylvania, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on the Judiciary

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 1999”.

1 **SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OF-**
2 **FICERS FROM STATE LAWS PROHIBITING**
3 **THE CARRYING OF CONCEALED FIREARMS.**

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. Carrying of concealed firearms by qualified**
8 **law enforcement officers**

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

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

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

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

24 “(c) As used in this section, the term ‘qualified law
25 enforcement officer’ means an employee of a governmental
26 agency who—

1 “(1) is authorized by law to engage in or super-
2 vise the prevention, detection, investigation, or pros-
3 ecution of, or the incarceration of any person for,
4 any violation of law, and has statutory powers of ar-
5 rest;

6 “(2) is authorized by the agency to carry a fire-
7 arm at all times;

8 “(3) is not the subject of any disciplinary action
9 by the agency; and

10 “(4) meets standards, if any, established by the
11 agency which require the employee to regularly qual-
12 ify in the use of a firearm.

13 “(d) The identification required by this subsection is
14 the official badge and photographic identification issued
15 by the governmental agency for which the individual is em-
16 ployed as a law enforcement officer.”.

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

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

1 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW EN-**
2 **FORCEMENT OFFICERS FROM STATE LAWS**
3 **PROHIBITING THE CARRYING OF CON-**
4 **CEALED FIREARMS.**

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 re-
26 tired 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
10 employed as a law enforcement officer for an aggre-
11 gate of 5 years or more; or

12 “(B) retired from service with such agency,
13 after completing any applicable probationary period
14 of such service, due to a service-connected disability,
15 as 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
19 or, if the agency requires active duty officers to do
20 so with lesser frequency than every 12 months, dur-
21 ing such most recent period as the agency requires
22 with respect to active duty officers, has completed,
23 at the expense of the individual, a program approved
24 by the State for training or qualification in the use
25 of firearms; and

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

3 “(d) The identification required by this subsection is
4 photographic identification issued by the State in which
5 the agency for which the individual was employed as a law
6 enforcement officer is located.”.

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

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

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