

116TH CONGRESS
2D SESSION

S. 4445

To establish appropriate rules for prosecutors and Federal judges to carry
a concealed firearm.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2020

Mr. COTTON (for himself, Mrs. LOEFFLER, and Mrs. BLACKBURN) introduced
the following bill; which was read twice and referred to the Committee
on the Judiciary

A BILL

To establish appropriate rules for prosecutors and Federal
judges to carry a concealed firearm.

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 “Protect Our Prosecu-
5 tors and Judges Act of 2020”.

6 **SEC. 2. AUTHORITY TO CARRY A CONCEALED FIREARM**
7 **FOR PROSECUTORS AND FEDERAL JUDGES.**

8 (a) CURRENT PROSECUTORS AND FEDERAL
9 JUDGES.—Section 926B of title 18, United States Code,
10 is amended—

1 (1) in the section heading, by inserting “,
2 **qualified prosecutors, and qualified Fed-**
3 **eral judges**” after “**qualified law enforce-**
4 **ment officers**”;

5 (2) in subsection (a)—

6 (A) by inserting “, a qualified prosecutor,
7 or a qualified Federal judge” after “qualified
8 law enforcement officer”; and

9 (B) by striking “subsection (d)” and in-
10 sserting “subsection (e)”;

11 (3) by striking subsections (c), (d), and (e) and
12 inserting the following:

13 “(c) The identification required by this subsection
14 is—

15 “(1) with respect to a qualified law enforcement
16 officer, the photographic identification issued by the
17 governmental agency for which the individual is em-
18 ployed that identifies the employee as a police officer
19 or law enforcement officer of the agency;

20 “(2) with respect to a qualified prosecutor—

21 “(A) the photographic identification issued
22 by the governmental agency by which the indi-
23 vidual is employed that identifies the employee
24 as a prosecutor of the agency; and

25 “(B) a certification—

1 “(i) if agency employing the qualified
2 prosecutor has authorized the qualified
3 prosecutor to carry a firearm, that indi-
4 cates that the qualified prosecutor has
5 been tested or otherwise found by the
6 agency to meet the active duty standards
7 for qualification in firearms training as es-
8 tablished by the agency to carry a firearm
9 of the same type as the concealed firearm;
10 or

11 “(ii) if the agency employing the
12 qualified prosecutor has not authorized the
13 qualified prosecutor to carry a firearm,
14 issued by the State in which the qualified
15 prosecutor resides or by a certified fire-
16 arms instructor that is qualified to conduct
17 a firearms qualification test for active duty
18 officers within that State that indicates
19 that the qualified prosecutor has been test-
20 ed or otherwise found by the State or cer-
21 tified firearms instructor that is qualified
22 to conduct a firearms qualification test for
23 active duty officers within that State to
24 have met—

1 “(I) the active duty standards for
2 qualification in firearms training, as
3 established by the State, to carry a
4 firearm of the same type as the con-
5 cealed firearm; or

6 “(II) if the State has not estab-
7 lished such standards, standards set
8 by any law enforcement agency within
9 that State to carry a firearm of the
10 same type as the concealed firearm;
11 and

12 “(3) with respect to a qualified Federal judge—

13 “(A) photographic identification issued by
14 the Federal Government that identifies the indi-
15 vidual as a Federal judge; and

16 “(B) a certification issued by the State in
17 which the Federal judge resides or by a cer-
18 tified firearms instructor that is qualified to
19 conduct a firearms qualification test for active
20 duty officers within that State that indicates
21 that the individual has been tested or otherwise
22 found by the State or certified firearms instruc-
23 tor that is qualified to conduct a firearms quali-
24 fication test for active duty officers within that
25 State to have met—

1 “(i) the active duty standards for
2 qualification in firearms training, as estab-
3 lished by the State, to carry a firearm of
4 the same type as the concealed firearm; or

5 “(ii) if the State has not established
6 such standards, standards set by any law
7 enforcement agency within that State to
8 carry a firearm of the same type as the
9 concealed firearm.”;

10 (4) by redesignating subsection (f) as sub-
11 section (d); and

12 (5) by adding at the end the following:

13 “(e) As used in this section—

14 “(1) the term ‘firearm’—

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

18 “(B) includes ammunition not expressly
19 prohibited by Federal law or subject to the pro-
20 visions of the National Firearms Act; and

21 “(C) does not include—

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

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

3 “(iii) any destructive device (as de-
4 fined in section 921 of this title);

5 “(2) the term ‘qualified Federal judge’ means
6 an individual who—

7 “(A) is serving in a position as a judge
8 that is established under article I, III, or IV of
9 the Constitution of the United States;

10 “(B) is not the subject of a pending im-
11 peachment inquiry or trial;

12 “(C) is not under the influence of alcohol
13 or another intoxicating or hallucinatory drug or
14 substance; and

15 “(D) is not prohibited by Federal law from
16 receiving a firearm;

17 “(3) the term ‘qualified law enforcement officer’
18 means an employee of a governmental agency who—

19 “(A) is authorized by law to engage in or
20 supervise the prevention, detection, investiga-
21 tion or prosecution of, or the incarceration of
22 any person for, any violation of law, and has
23 statutory powers of arrest or apprehension
24 under section 807(b) of title 10, United States

1 Code (article 7(b) of the Uniform Code of Mili-
2 tary Justice);

3 “(B) is authorized by the agency to carry
4 a firearm;

5 “(C) is not the subject of any disciplinary
6 action by the agency which could result in sus-
7 pension or loss of police powers;

8 “(D) meets standards, if any, established
9 by the agency which require the employee to
10 regularly qualify in the use of a firearm;

11 “(E) is not under the influence of alcohol
12 or another intoxicating or hallucinatory drug or
13 substance; and

14 “(F) is not prohibited by Federal law from
15 receiving a firearm; and

16 “(4) the term ‘qualified prosecutor’ means an
17 individual who—

18 “(A) is a full-time employee of an agency
19 of the Federal Government or a State or unit
20 of local government who—

21 “(i) is continually licensed to practice
22 law; and

23 “(ii) prosecutes criminal or juvenile
24 delinquency cases at the Federal, State, or
25 local level (including supervision, edu-

1 cation, or training of other persons pros-
2 ecuting such cases);

3 “(B) is not the subject of any disciplinary
4 action by the agency which could result in sus-
5 pension;

6 “(C) meets standards, if any, established
7 by the agency which require the employee to
8 regularly qualify in the use of a firearm;

9 “(D) is not under the influence of alcohol
10 or another intoxicating or hallucinatory drug or
11 substance; and

12 “(E) is not prohibited by Federal law from
13 receiving a firearm.”.

14 (b) RETIRED PROSECUTORS AND FEDERAL
15 JUDGES.—Section 926C of title 18, United States Code,
16 is amended—

17 (1) in the section heading, by inserting “,
18 **qualified retired prosecutors, and quali-**
19 **fied retired Federal judges**” after “**quali-**
20 **fied retired law enforcement officers**”;

21 (2) in subsection (a)—

22 (A) by inserting “, a qualified retired pros-
23 ecutor, or a qualified Federal judge” after
24 “qualified law enforcement officer”; and

1 (B) by striking “subsection (d)” and in-
2 serting “subsection (e)”; and

3 (3) by striking subsections (c), (d), and (e) and
4 inserting the following:

5 “(c) The identification required by this subsection
6 is—

7 “(1) with respect to a qualified retired law en-
8 forcement officer—

9 “(A) a photographic identification issued
10 by the agency from which the individual sepa-
11 rated from service as a law enforcement officer
12 that identifies the person as having been em-
13 ployed as a police officer or law enforcement of-
14 ficer and indicates that the individual has, not
15 less recently than 1 year before the date the in-
16 dividual is carrying the concealed firearm, been
17 tested or otherwise found by the agency to meet
18 the active duty standards for qualification in
19 firearms training as established by the agency
20 to carry a firearm of the same type as the con-
21 cealed firearm; or

22 “(B)(i) a photographic identification issued
23 by the agency from which the individual sepa-
24 rated from service as a law enforcement officer
25 that identifies the person as having been em-

1 employed as a police officer or law enforcement of-
2 ficer; and

3 “(ii) a certification issued by the State in
4 which the individual resides or by a certified
5 firearms instructor that is qualified to conduct
6 a firearms qualification test for active duty offi-
7 cers within that State that indicates that the
8 individual has, not less than 1 year before the
9 date the individual is carrying the concealed
10 firearm, been tested or otherwise found by the
11 State or certified firearms instructor that is
12 qualified to conduct a firearms qualification test
13 for active duty officers within that State to
14 have met—

15 “(I) the active duty standards for
16 qualification in firearms training, as estab-
17 lished by the State, to carry a firearm of
18 the same type as the concealed firearm; or

19 “(II) if the State has not established
20 such standards, standards set by any law
21 enforcement agency within that State to
22 carry a firearm of the same type as the
23 concealed firearm;

24 “(2) with respect to a qualified retired pros-
25 ecutor—

1 “(A) the photographic identification issued
2 by the governmental agency by which the indi-
3 vidual was employed that identifies the indi-
4 vidual as a former prosecutor of the agency;
5 and

6 “(B) a certification issued by the State in
7 which the qualified retired prosecutor resides or
8 by a certified firearms instructor that is quali-
9 fied to conduct a firearms qualification test for
10 active duty officers within that State that indi-
11 cates that the qualified retired prosecutor has,
12 not less than 1 year before the date the quali-
13 fied retired prosecutor is carrying the concealed
14 firearm, been tested or otherwise found by the
15 State or certified firearms instructor that is
16 qualified to conduct a firearms qualification test
17 for active duty officers within that State to
18 have met—

19 “(i) the active duty standards for
20 qualification in firearms training, as estab-
21 lished by the State, to carry a firearm of
22 the same type as the concealed firearm; or

23 “(ii) if the State has not established
24 such standards, standards set by any law
25 enforcement agency within that State to

1 carry a firearm of the same type as the
2 concealed firearm; and

3 “(3) with respect to a qualified retired Federal
4 judge—

5 “(A) photographic identification issued by
6 the Federal Government that identifies the indi-
7 vidual as a former Federal judge; and

8 “(B) a certification issued by the State in
9 which the Federal judge resides or by a cer-
10 tified firearms instructor that is qualified to
11 conduct a firearms qualification test for active
12 duty officers within that State that indicates
13 that the individual has, not less than 1 year be-
14 fore the date the individual is carrying the con-
15 cealed firearm, been tested or otherwise found
16 by the State or certified firearms instructor
17 that is qualified to conduct a firearms qualifica-
18 tion test for active duty officers within that
19 State to have met—

20 “(i) the active duty standards for
21 qualification in firearms training, as estab-
22 lished by the State, to carry a firearm of
23 the same type as the concealed firearm; or

24 “(ii) if the State has not established
25 such standards, standards set by any law

1 enforcement agency within that State to
2 carry a firearm of the same type as the
3 concealed firearm.

4 “(d) As used in this section—

5 “(1) the term ‘firearm’—

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

9 “(B) includes ammunition not expressly
10 prohibited by Federal law or subject to the pro-
11 visions of the National Firearms Act; and

12 “(C) does not include—

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

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

18 “(iii) any destructive device (as de-
19 fined in section 921 of this title);

20 “(2) the term ‘qualified retired Federal judge’
21 means an individual who—

22 “(A) separated from service in good stand-
23 ing from service in a position as a judge that
24 was established under article I, III, or IV of the
25 Constitution of the United States;

1 “(B)(i) has not been officially found by a
2 qualified medical professional employed by the
3 Federal Government to be unqualified for rea-
4 sons relating to mental health and as a result
5 of this finding will not be issued the photo-
6 graphic identification as described in subsection
7 (c)(3); and

8 “(ii) has not entered into an agreement
9 with the Federal Government in which that in-
10 dividual acknowledges he or she is not qualified
11 under this section for reasons relating to men-
12 tal health and for those reasons will not receive
13 or accept the photographic identification as de-
14 scribed in subsection (c)(3);

15 “(C) during the most recent 12-month pe-
16 riod, has met, at the expense of the individual,
17 the standards for qualification in firearms
18 training for active law enforcement officers, as
19 determined by the State in which the individual
20 resides or, if the State has not established such
21 standards, either a law enforcement agency
22 within the State in which the individual resides
23 or the standards used by a certified firearms in-
24 structor that is qualified to conduct a firearms

1 qualification test for active duty officers within
2 that State;

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

6 “(E) is not prohibited by Federal law from
7 receiving a firearm;

8 “(3) the term ‘qualified retired law enforcement
9 officer’ means an individual who—

10 “(A) separated from service in good stand-
11 ing from service with a public agency as a law
12 enforcement officer;

13 “(B) before such separation, was author-
14 ized by law to engage in or supervise the pre-
15 vention, detection, investigation, or prosecution
16 of, or the incarceration of any person for, any
17 violation of law, and had statutory powers of
18 arrest or apprehension under section 807(b) of
19 title 10, United States Code (article 7(b) of the
20 Uniform Code of Military Justice);

21 “(C)(i) before such separation, served as a
22 law enforcement officer for an aggregate of 10
23 years or more; or

24 “(ii) separated from service with such
25 agency, after completing any applicable proba-

1 tionary period of such service, due to a service-
2 connected disability, as determined by such
3 agency;

4 “(D) during the most recent 12-month pe-
5 riod, has met, at the expense of the individual,
6 the standards for qualification in firearms
7 training for active law enforcement officers, as
8 determined by the former agency of the indi-
9 vidual, the State in which the individual resides
10 or, if the State has not established such stand-
11 ards, either a law enforcement agency within
12 the State in which the individual resides or the
13 standards used by a certified firearms instruc-
14 tor that is qualified to conduct a firearms quali-
15 fication test for active duty officers within that
16 State;

17 “(E)(i) has not been officially found by a
18 qualified medical professional employed by the
19 agency to be unqualified for reasons relating to
20 mental health and as a result of this finding
21 will not be issued the photographic identifica-
22 tion as described in subsection (c)(1); or

23 “(ii) has not entered into an agreement
24 with the agency from which the individual is
25 separating from service in which that individual

1 acknowledges he or she is not qualified under
2 this section for reasons relating to mental
3 health and for those reasons will not receive or
4 accept the photographic identification as de-
5 scribed in subsection (c)(1);

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

9 “(G) is not prohibited by Federal law from
10 receiving a firearm; and

11 “(4) the term ‘qualified retired prosecutor’
12 means an individual who—

13 “(A) separated from service in good stand-
14 ing from service as a full-time employee of an
15 agency of the Federal Government or a State or
16 unit of local government who—

17 “(i) during such service was contin-
18 ually licensed to practice law; and

19 “(ii) prosecuted criminal or juvenile
20 delinquency cases at the Federal, State, or
21 local level (including supervision, edu-
22 cation, or training of other persons pros-
23 ecuting such cases);

1 “(B) before such separation, served as de-
2 scribed in subparagraph (A) for an aggregate of
3 10 years or more;

4 “(C)(i) has not been officially found by a
5 qualified medical professional employed by the
6 agency to be unqualified for reasons relating to
7 mental health and as a result of this finding
8 will not be issued the photographic identifica-
9 tion as described in subsection (c)(2); and

10 “(ii) has not entered into an agreement
11 with the agency in which that individual ac-
12 knowledges he or she is not qualified under this
13 section for reasons relating to mental health
14 and for those reasons will not receive or accept
15 the photographic identification as described in
16 subsection (c)(2);

17 “(D) during the most recent 12-month pe-
18 riod, has met, at the expense of the individual,
19 the standards for qualification in firearms
20 training for active law enforcement officers, as
21 determined by the former agency of the indi-
22 vidual, the State in which the individual resides
23 or, if the State has not established such stand-
24 ards, either a law enforcement agency within
25 the State in which the individual resides or the

1 standards used by a certified firearms instruc-
 2 tor that is qualified to conduct a firearms quali-
 3 fication test for active duty officers within that
 4 State;

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

8 “(F) is not prohibited by Federal law from
 9 receiving a firearm.”.

10 (c) TECHNICAL AND CONFORMING AMENDMENT.—

11 The table of sections for chapter 44 of title 18, United
 12 States Code, is amended by striking the items relating to
 13 sections 926B and 926C and inserting the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers,
 qualified prosecutors, and qualified Federal judges.

“926C. Carrying of concealed firearms by qualified retired law enforcement offi-
 cers, qualified retired prosecutors, and qualified retired Federal
 judges.”.

14 (d) REGULATIONS.—The Attorney General and the
 15 Director of the Administrative Office of United States
 16 Courts may promulgate such regulations as are necessary
 17 to carry out the amendments made by this section.

○