

## Calendar No. 599

108TH CONGRESS  
2D SESSION

# H. R. 218

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Received and read the first time

JUNE 25, 2004

Read the second time and placed on the calendar

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Offi-  
3 cers Safety Act of 2004”.

4 **SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OF-**  
5 **FICERS FROM STATE LAWS PROHIBITING**  
6 **THE CARRYING OF CONCEALED FIREARMS.**

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

10 **“§ 926B. Carrying of concealed firearms by qualified**  
11 **law enforcement officers**

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

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

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

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

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

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

9           “(2) is authorized by the agency to carry a fire-  
10 arm;

11          “(3) is not the subject of any disciplinary action  
12 by the agency;

13          “(4) meets standards, if any, established by the  
14 agency which require the employee to regularly qual-  
15 ify in the use of a firearm;

16          “(5) is not under the influence of alcohol or an-  
17 other intoxicating or hallucinatory drug or sub-  
18 stance; and

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

21       “(d) The identification required by this subsection is  
22 the photographic identification issued by the governmental  
23 agency for which the individual is employed as a law en-  
24 forcement officer.

1 “(e) As used in this section, the term ‘firearm’ does  
2 not include—

3 “(1) any machinegun (as defined in section  
4 5845 of the National Firearms Act);

5 “(2) any firearm silencer (as defined in section  
6 921 of this title); and

7 “(3) any destructive device (as defined in sec-  
8 tion 921 of this title).”.

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

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

12 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW EN-**  
13 **FORCEMENT OFFICERS FROM STATE LAWS**  
14 **PROHIBITING THE CARRYING OF CON-**  
15 **CEALED FIREARMS.**

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

19 **“§ 926C. Carrying of concealed firearms by qualified**  
20 **retired law enforcement officers**

21 “(a) Notwithstanding any other provision of the law  
22 of any State or any political subdivision thereof, an indi-  
23 vidual who is a qualified retired law enforcement officer  
24 and who is carrying the identification required by sub-  
25 section (d) may carry a concealed firearm that has been

1 shipped or transported in interstate or foreign commerce,  
2 subject to subsection (b).

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

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

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

11 “(c) As used in this section, the term ‘qualified re-  
12 tired law enforcement officer’ means an individual who—

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

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

21 “(3)(A) before such retirement, was regularly  
22 employed as a law enforcement officer for an aggre-  
23 gate of 15 years or more; or

24 “(B) retired from service with such agency,  
25 after completing any applicable probationary period

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

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

5 “(5) during the most recent 12-month period,  
6 has met, at the expense of the individual, the State’s  
7 standards for training and qualification for active  
8 law enforcement officers to carry firearms;

9 “(6) is not under the influence of alcohol or an-  
10 other intoxicating or hallucinatory drug or sub-  
11 stance; and

12 “(7) is not prohibited by Federal law from re-  
13 ceiving a firearm.

14 “(d) The identification required by this subsection  
15 is—

16 “(1) a photographic identification issued by the  
17 agency from which the individual retired from serv-  
18 ice as a law enforcement officer that indicates that  
19 the individual has, not less recently than one year  
20 before the date the individual is carrying the con-  
21 cealed firearm, been tested or otherwise found by the  
22 agency to meet the standards established by the  
23 agency for training and qualification for active law  
24 enforcement officers to carry a firearm of the same  
25 type as the concealed firearm; or

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

4           “(B) a certification issued by the State in which  
5           the individual resides that indicates that the indi-  
6           vidual has, not less recently than one year before the  
7           date the individual is carrying the concealed firearm,  
8           been tested or otherwise found by the State to meet  
9           the standards established by the State for training  
10          and qualification for active law enforcement officers  
11          to carry a firearm of the same type as the concealed  
12          firearm.

13          “(e) As used in this section, the term ‘firearm’ does  
14          not include—

15                 “(1) any machinegun (as defined in section  
16                 5845 of the National Firearms Act);

17                 “(2) any firearm silencer (as defined in section  
18                 921 of this title); and

19                 “(3) a destructive device (as defined in section  
20                 921 of this title).”.

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







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