

S. 1132

One Hundred Eleventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the fifth day of January, two thousand and ten*

An Act

To amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Officers Safety Act Improvements Act of 2010”.

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended—

- (1) in subsection (c)(3), by inserting “which could result in suspension or loss of police powers” after “agency”; and
- (2) by adding at the end the following:

“(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.”.

(b) ACTIVE LAW ENFORCEMENT OFFICERS.—Section 926B of title 18, United States Code is amended by striking subsection (e) and inserting the following:

“(e) As used in this section, the term ‘firearm’—

“(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

“(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(3) does not include—

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

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

“(C) any destructive device (as defined in section 921 of this title).”.

(c) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

- (i) by striking “retired” and inserting “separated from service”; and
- (ii) by striking “, other than for reasons of mental instability”;
- (B) in paragraph (2), by striking “retirement” and inserting “separation”;
- (C) in paragraph (3)—
 - (i) in subparagraph (A), by striking “retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more” and inserting “separation, served as a law enforcement officer for an aggregate of 10 years or more”; and
 - (ii) in subparagraph (B), by striking “retired” and inserting “separated”;
- (D) by striking paragraph (4) and inserting the following:

“(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;”;
- (E) by striking paragraph (5) and replacing it with the following:

“(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

“(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);”;
- (2) in subsection (d)—
 - (A) paragraph (1)—
 - (i) by striking “retired” and inserting “separated”; and
 - (ii) by striking “to meet the standards” and all that follows through “concealed firearm” and inserting “to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm”;
 - (B) paragraph (2)—
 - (i) in subparagraph (A), by striking “retired” and inserting “separated”; and
 - (ii) in subparagraph (B), by striking “that indicates” and all that follows through the period and inserting “or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates

that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

“(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

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

(3) by striking subsection (e) and inserting the following:

“(e) As used in this section—

“(1) the term ‘firearm’—

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

“(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(C) does not include—

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

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

“(iii) any destructive device (as defined in section 921 of this title); and

“(2) the term ‘service with a public agency as a law enforcement officer’ includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*