

**Calendar No. 761**107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2480**

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.

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**IN THE SENATE OF THE UNITED STATES**

MAY 8, 2002

Mr. LEAHY (for himself, Mr. HATCH, Mr. BAUCUS, Mr. DOMENICI, Mr. CLELAND, Mr. MCCONNELL, Mr. SESSIONS, Mr. DAYTON, Mr. BUNNING, Mr. ALLEN, Mr. TORRICELLI, Mr. WARNER, Mr. JOHNSON, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, Mr. MILLER, Mr. EDWARDS, Mr. GRASSLEY, Mr. INHOFE, Mrs. LINCOLN, Mr. CONRAD, Mr. HUTCHINSON, Mr. SANTORUM, Mrs. BOXER, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. DORGAN, Ms. CANTWELL, Mr. DEWINE, Mr. KYL, Mr. HARKIN, Mr. SMITH of New Hampshire, Mr. NELSON of Nebraska, Ms. COLLINS, Ms. LANDRIEU, Mr. SHELBY, Mr. REID, Mr. MURKOWSKI, Mr. BURNS, Mr. GREGG, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

NOVEMBER 14, 2002

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in italic]

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**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 “Law Enforcement Offi-  
5 cers Safety Act of 2002”.

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

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

12 **“§ 926B. Carrying of concealed firearms by qualified**  
13 **law enforcement officers**

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

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

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

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

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

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

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

14           “(3) is not the subject of any disciplinary action  
15 by the agency; ~~and~~

16           “(4) meets standards, if any, established by the  
17 agency which require the employee to regularly qual-  
18 ify in the use of a firearm; *and*

19           “(5) *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, or was, employed as  
24 a law enforcement officer.”.

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

3               “(1) any machinegun (as defined in section 5845  
4 of title 26);

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

7               “(3) any destructive device (as defined in section  
8 921).”.

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 ~~5 years~~ *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 ~~or qualification~~ *and qualifica-*  
 8 *tion for active law enforcement officers* to carry fire-  
 9 arms; and

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

12 “(d) The identification required by this subsection is  
 13 photographic identification issued by the agency for which  
 14 the individual was employed as a law enforcement offi-  
 15 cer.”

16 “(e) *DEFINED TERM.—As used in this section, the*  
 17 *term ‘firearm’ does not include—*

18 “(1) *any machinegun (as defined in section 5845*  
 19 *of title 26);*

20 “(2) *any firearm silencer (as defined in section*  
 21 *921); and*

22 “(3) *a destructive device (as defined in section*  
 23 *921).”*

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

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

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