

S 2480 RS

Calendar No.761

107th CONGRESS

2d 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.

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.

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

SECTION I. SHORT TITLE.

This Act may be cited as the 'Law Enforcement Officers Safety Act of 2002.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

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

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

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by 1 subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that--

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term qualified retired law enforcement officer' means an individual who--

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

(2) before such retirement, was 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 had statutory powers of arrest;

(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of [Struck out->] 5 years [<-Struck out] 15 years or more; or

(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

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

(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training [Struck out->] or qualification [<-Struck out] *and qualification for active law enforcement officers* to carry firearms; and

(6) is not prohibited by Federal law from receiving a firearm,

(d) The identification required by this subsection is photographic identification issued by the agency for which the individual was employed as a law enforcement officer, [Struck out->] ' [<-Struck out]

(e) *DEFINED TERM- As used in this section, the term 'firearm' does not include--*

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

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

(3) a destructive device (QJ' defined in section 921).'

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

926C, Carrying of concealed firearms by qualified retired law enforcement officers.'

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Rule

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Rule

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Reported with amendments

END