

105TH CONGRESS
1ST SESSION

H. R. 218

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 HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. CUNNINGHAM (for himself, Ms. MOLINARI, Mr. PACKARD, Mr. HUNTER, Mr. BILBRAY, Mrs. MYRICK, Mr. COBLE, Mr. FROST, Mr. COBURN, Mr. BRYANT, Mr. COLLINS, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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 “Community Protection
5 Act of 1997”.

1 **SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER**
2 **LAW ENFORCEMENT OFFICERS FROM STATE**
3 **LAWS PROHIBITING THE CARRYING OF CON-**
4 **CEALED HANDGUNS.**

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

8 **“§ 926B. Carrying of concealed handguns by qualified**
9 **current and former law enforcement offi-**
10 **cers**

11 “(a) Notwithstanding any other provision of the law
12 of any State or any political subdivision thereof, an indi-
13 vidual who is a qualified law enforcement officer or a
14 qualified former law enforcement officer and who is carry-
15 ing appropriate written identification of such status may
16 carry a concealed handgun.

17 “(b) As used in this section:

18 “(1) The term ‘qualified law enforcement offi-
19 cer’ means an officer, agent, or employee of a public
20 agency who—

21 “(A) is a law enforcement officer;

22 “(B) is authorized by the agency to carry
23 a firearm in the course of duty; and

24 “(C) is not the subject of any disciplinary
25 action by the agency; and

1 “(D) meets such requirements as have
2 been established by the agency with respect to
3 firearms.

4 “(2) The term ‘qualified former law enforce-
5 ment officer’ means an individual who—

6 “(A) retired from service with a public
7 agency as a law enforcement officer, other than
8 for reasons of mental disability; and

9 “(B) immediately before such retirement,
10 was a qualified law enforcement officer;

11 “(C) has a nonforfeitable right to benefits
12 under the retirement plan of the agency;

13 “(D) meets such requirements as have
14 been established by the State in which the indi-
15 vidual resides with respect to training in the
16 use of firearms; and

17 “(E) is not prohibited by Federal law from
18 receiving a firearm.

19 “(3) The term ‘law enforcement officer’ means
20 an individual authorized by law to engage in or su-
21 pervise the prevention, detection, investigation, or
22 prosecution of any violation of law, and includes cor-
23 rections, probation, parole, and judicial officers.

