# S.1132 -- Law Enforcement Officers Safety Act Improvements Act of 2010 (Enrolled Bill [Final as Passed Both House and Senate] - ENR)

--S.1132--

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***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;'; and

(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.

LEXSTAT 18 USC 926C

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*** CURRENT THROUGH PL 111-166, APPROVED 5/17/2010 ***

TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART I. CRIMES
CHAPTER 44. FIREARMS

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*18 USCS § 926C*

§ 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 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 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 and qualification for active law enforcement officers to carry firearms;
(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
(7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is--
(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

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

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

(e) As used in this section, the term "firearm" does not include--

(1) any machinegun (as defined in section 5845 of the National Firearms Act [*26 USCS § 5845*]);

(2) any firearm silencer (as defined in section 921 of this *title [18 USCS § 921*]); and

(3) a destructive device (as defined in section 921 of this *title [18 USCS § 921*]).'.

**HISTORY:**

(Added July 22, 2004, P.L. 108-277, § 3(a), 118 Stat. 866.)