

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1132

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IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2010

Referred to the Committee on the Judiciary

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## 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Offi-  
3 cers Safety Act Improvements Act of 2010”.

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

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

8 (1) in subsection (c)(3), by inserting “which  
9 could result in suspension or loss of police powers”  
10 after “agency”; and

11 (2) by adding at the end the following:

12 “(f) For the purposes of this section, a law enforce-  
13 ment officer of the Amtrak Police Department, a law en-  
14 forcement officer of the Federal Reserve, or a law enforce-  
15 ment or police officer of the executive branch of the Fed-  
16 eral Government qualifies as an employee of a govern-  
17 mental agency who is authorized by law to engage in or  
18 supervise the prevention, detection, investigation, or pros-  
19 ecution of, or the incarceration of any person for, any vio-  
20 lation of law, and has statutory powers of arrest.”.

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

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

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

1           “(2) includes ammunition not expressly prohib-  
2           ited by Federal law or subject to the provisions of  
3           the National Firearms Act; and

4           “(3) does not include—

5                   “(A) any machinegun (as defined in sec-  
6                   tion 5845 of the National Firearms Act);

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

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

11           (c) RETIRED LAW ENFORCEMENT OFFICERS.—Sec-  
12           tion 926C of title 18, United States Code is amended—

13                   (1) in subsection (c)—

14                           (A) in paragraph (1)—

15                                   (i) by striking “retired” and inserting  
16                                   “separated from service”; and

17                                   (ii) by striking “, other than for rea-  
18                                   sons of mental instability”;

19                           (B) in paragraph (2), by striking “retire-  
20                           ment” and inserting “separation”;

21                           (C) in paragraph (3)—

22                                   (i) in subparagraph (A), by striking  
23                                   “retirement, was regularly employed as a  
24                                   law enforcement officer for an aggregate of  
25                                   15 years or more” and inserting “separa-

1           tion, served as a law enforcement officer  
2           for an aggregate of 10 years or more”; and

3                   (ii) in subparagraph (B), by striking  
4           “retired” and inserting “separated”;

5                   (D) by striking paragraph (4) and insert-  
6           ing the following:

7           “(4) during the most recent 12-month period,  
8           has met, at the expense of the individual, the stand-  
9           ards for qualification in firearms training for active  
10          law enforcement officers, as determined by the  
11          former agency of the individual, the State in which  
12          the individual resides or, if the State has not estab-  
13          lished such standards, either a law enforcement  
14          agency within the State in which the individual re-  
15          sides or the standards used by a certified firearms  
16          instructor that is qualified to conduct a firearms  
17          qualification test for active duty officers within that  
18          State;” and

19                   (E) by striking paragraph (5) and replac-  
20          ing it with the following:

21          “(5)(A) has not been officially found by a quali-  
22          fied medical professional employed by the agency to  
23          be unqualified for reasons relating to mental health  
24          and as a result of this finding will not be issued the

1 photographic identification as described in sub-  
2 section (d)(1); or

3 “(B) has not entered into an agreement with  
4 the agency from which the individual is separating  
5 from service in which that individual acknowledges  
6 he or she is not qualified under this section for rea-  
7 sons relating to mental health and for those reasons  
8 will not receive or accept the photographic identifica-  
9 tion as described in subsection (d)(1);”;

10 (2) in subsection (d)—

11 (A) paragraph (1)—

12 (i) by striking “retired” and inserting  
13 “separated”; and

14 (ii) by striking “to meet the stand-  
15 ards” and all that follows through “con-  
16 cealed firearm” and inserting “to meet the  
17 active duty standards for qualification in  
18 firearms training as established by the  
19 agency to carry a firearm of the same type  
20 as the concealed firearm”;

21 (B) paragraph (2)—

22 (i) in subparagraph (A), by striking  
23 “retired” and inserting “separated”; and

24 (ii) in subparagraph (B), by striking  
25 “that indicates” and all that follows

1 through the period and inserting “or by a  
2 certified firearms instructor that is quali-  
3 fied to conduct a firearms qualification test  
4 for active duty officers within that State  
5 that indicates that the individual has, not  
6 less than 1 year before the date the indi-  
7 vidual is carrying the concealed firearm,  
8 been tested or otherwise found by the  
9 State or a certified firearms instructor that  
10 is qualified to conduct a firearms qualifica-  
11 tion test for active duty officers within that  
12 State to have met—

13 “(I) the active duty standards for  
14 qualification in firearms training, as  
15 established by the State, to carry a  
16 firearm of the same type as the con-  
17 cealed firearm; or

18 “(II) if the State has not estab-  
19 lished such standards, standards set  
20 by any law enforcement agency within  
21 that State to carry a firearm of the  
22 same type as the concealed firearm.”;  
23 and

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

1 “(e) As used in this section—

2 “(1) the term ‘firearm’—

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

6 “(B) includes ammunition not expressly  
7 prohibited by Federal law or subject to the pro-  
8 visions of the National Firearms Act; and

9 “(C) does not include—

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

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

15 “(iii) any destructive device (as de-  
16 fined in section 921 of this title); and

17 “(2) the term ‘service with a public agency as  
18 a law enforcement officer’ includes service as a law  
19 enforcement officer of the Amtrak Police Depart-  
20 ment, service as a law enforcement officer of the  
21 Federal Reserve, or service as a law enforcement or

1 police officer of the executive branch of the Federal  
2 Government.”.

Passed the Senate May 13, 2010.

Attest: NANCY ERICKSON,  
*Secretary.*