

18 USC 926B: Carrying of concealed firearms by qualified law enforcement officers

Text contains those laws in effect on July 1, 2021

From Title 18-CRIMES AND CRIMINAL PROCEDURE

PART I-CRIMES

CHAPTER 44-FIREARMS

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§926B. Carrying of concealed firearms by qualified 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 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 law enforcement officer" means an employee of a governmental agency who-

(1) 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 or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);

(2) is authorized by the agency to carry a firearm;

(3) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;

(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

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

(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed that identifies the employee as a police officer or law enforcement officer of the agency.

(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).

(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 or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice).

(Added Pub. L. 108-277, §2(a), July 22, 2004, 118 Stat. 865 ; amended Pub. L. 111-272, §2(a), (b), Oct. 12, 2010, 124 Stat. 2855 ; Pub. L. 112-239, div. A, title X, §1089(1), Jan. 2, 2013, 126 Stat. 1970 .)

EDITORIAL NOTES

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of the Act is classified to section 5845 of Title 26.

AMENDMENTS

2013-Subsec. (c)(1). Pub. L. 112–239, §1089(1)(A), inserted "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest".

Subsec. (d). Pub. L. 112–239, §1089(1)(B), substituted "that identifies the employee as a police officer or law enforcement officer of the agency" for "as a law enforcement officer".

Subsec. (f). Pub. L. 112–239, §1089(1)(C), inserted "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest".

2010-Subsec. (c)(3). Pub. L. 111–272, §2(a)(1), inserted "which could result in suspension or loss of police powers" after "agency".

Subsec. (e). Pub. L. 111–272, §2(b), added subsec. (e) and struck out former subsec. (e) which read as follows: "As used in this section, the term 'firearm' does not include-

"(1) any machinegun (as defined in section 5845 of the National Firearms Act);

"(2) any firearm silencer (as defined in section 921 of this title); and

"(3) any destructive device (as defined in section 921 of this title)."

Subsec. (f). Pub. L. 111–272, §2(a)(2), added subsec. (f).

STATUTORY NOTES AND RELATED SUBSIDIARIES

FEDERAL LAW ENFORCEMENT SELF-DEFENSE AND PROTECTION

Pub. L. 114–180, [June 22, 2016](#), 130 Stat. 445 , provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Federal Law Enforcement Self-Defense and Protection Act of 2015'.

"SEC. 2. FINDINGS.

"Congress finds the following:

"(1) Too often, Federal law enforcement officers encounter potentially violent criminals, placing officers in danger of grave physical harm.

"(2) In 2012 alone, 1,857 Federal law enforcement officers were assaulted, with 206 sustaining serious injuries.

"(3) From 2008 through 2011, an additional 8,587 Federal law enforcement officers were assaulted.

"(4) Federal law enforcement officers remain a target even when they are off-duty. Over the past 3 years, 27 law enforcement officers have been killed off-duty.

"(5) It is essential that law enforcement officers are able to defend themselves, so they can carry out their critical missions and ensure their own personal safety and the safety of their families whether on-duty or off-duty.

"(6) These dangers to law enforcement officers continue to exist during a covered furlough.

"SEC. 3. DEFINITIONS.

"In this Act-

"(1) the term 'agency' means each authority of the executive, legislative, or judicial branch of the Government of the United States;

"(2) the term 'covered Federal law enforcement officer' means any individual who-

"(A) is an employee of an agency;

"(B) has the authority to make arrests or apprehensions for, or prosecute, violations of Federal law; and

"(C) on the day before the date on which the applicable covered furlough begins, is authorized by the agency employing the individual to carry a firearm in the course of official duties;

"(3) the term 'covered furlough' means a planned event by an agency during which employees

are involuntarily furloughed due to downsizing, reduced funding, lack of work, or any budget situation including a lapse in appropriations; and

"(4) the term 'firearm' has the meaning given that term in section 921 of title 18, United States Code.

"SEC. 4. PROTECTING FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE SUBJECTED TO A COVERED FURLOUGH.

"During a covered furlough, a covered Federal law enforcement officer shall have the same rights to carry a firearm issued by the Federal Government as if the covered furlough was not in effect, including, if authorized on the day before the date on which the covered furlough begins, the right to carry a concealed firearm, if the sole reason the covered Federal law enforcement officer was placed on leave was due to the covered furlough."