

(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.

(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.

(Added Pub. L. 108-277, §3(a), July 22, 2004, 118 Stat. 866; amended Pub. L. 111-272, §2(c), Oct. 12, 2010, 124 Stat. 2855; Pub. L. 112-239, div. A, title X, §1089(2), Jan. 2, 2013, 126 Stat. 1971.)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e)(1)(B), (C)(i), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of such Act is classified to section 5845 of Title 26.

AMENDMENTS

2013—Subsec. (c)(2). Pub. L. 112-239, §1089(2)(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)(1). Pub. L. 112-239, §1089(2)(B)(i), substituted “that identifies the person as having been employed as a police officer or law enforcement officer and indicates” for “that indicates”.

Subsec. (d)(2)(A). Pub. L. 112-239, §1089(2)(B)(ii), inserted “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

2010—Subsec. (c)(1). Pub. L. 111-272, §2(c)(1)(A), substituted “separated from service” for “retired” and struck out “, other than for reasons of mental instability” after “officer”.

Subsec. (c)(2). Pub. L. 111-272, §2(c)(1)(B), substituted “separation” for “retirement”.

Subsec. (c)(3)(A). Pub. L. 111-272, §2(c)(1)(C)(i), substituted “separation, served as a law enforcement officer for an aggregate of 10 years or more” for “retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more”.

Subsec. (c)(3)(B). Pub. L. 111-272, §2(c)(1)(C)(ii), substituted “separated” for “retired”.

Subsec. (c)(4). Pub. L. 111-272, §2(c)(1)(D), added par. (4) and struck out former par. (4) which read as follows: “has a nonforfeitable right to benefits under the retirement plan of the agency;”.

Subsec. (c)(5). Pub. L. 111-272, §2(c)(1)(E), added par. (5) and struck out former par. (5) which read as follows: “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;”.

Subsec. (d)(1). Pub. L. 111-272, §2(c)(2)(A), substituted “separated” for “retired” and “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” for “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”.

Subsec. (d)(2)(A). Pub. L. 111-272, §2(c)(2)(B)(i), substituted “separated” for “retired”.

Subsec. (d)(2)(B). Pub. L. 111-272, §2(c)(2)(B)(ii), substituted “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—” for “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.” and added cls. (I) and (II).

Subsec. (e). Pub. L. 111-272, §2(c)(3), 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) a destructive device (as defined in section 921 of this title).”

§ 927. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

AMENDMENTS

1968—Pub. L. 90-618 struck out “or possession” after “State” wherever appearing.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

EFFECTIVE DATE

Section effective 180 days after June 19, 1968, see section 907 of Pub. L. 90-351, set out as a note under section 921 of this title.

§ 928. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and