

# Firearms

## 306.1 SECTION TITLE

## 306.2 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Deaths and Critical Incidents policies.

This policy only applies to those members who are authorized to carry firearms.

## 306.3 POLICY

The Beloit Police Department will equip sworn members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

## 306.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been inspected by a Firearms Instructor. Except in an emergency or as approved by the Chief of Police, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding-type knife and/or multi-tool.

Patrol Officers wishing to carry additional weapons shall complete a memo describing the weapon and/or equipment to be carried, the necessity for the weapon, and any training received. The memo shall be forwarded through the chain-of-command to the Chief of Police for review and approval.

### 306.4.1 PATROL RIFLES

The department issued patrol rifle is the only authorized department rifle for the patrol force. A listing of authorized weapons is located on the Firearm Master List.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.

# Beloit Police Department

## WI LE Policy Manual

### Firearms

---

- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal and authorized by a supervisor.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack or vault in a police vehicle.

#### 306.4.2 HANDGUNS

The authorized department-issued handgun shall be determined by the Chief based on recommendations from the Department's firearms instructors. Different models of the approved caliber handgun may be utilized by members to accommodate specific Department functions, such as Special Operations Division, etc.

#### 306.4.3 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry personally owned secondary handguns on duty are subject to the following restrictions:

- (a) Only one secondary handgun may be carried at a time.
- (b) The purchase of the handgun shall be the responsibility of the member.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) If the secondary firearm is department-issued caliber then the department will supply duty ammunition. If the secondary weapon is a different caliber it will be the officers responsibility to supply duty ammunition for that weapon. Duty ammunition must be conventional jacketed hollow point ammunition. No exotic ammunition is authorized (i.e. zombie rounds, glaser safety slugs, explosive or armor piercing, etc.). Ammunition must be approved by a firearms instructor and documented on the firearms qualification form.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (g) Members shall provide the make, model, color, serial number,, caliber, ammunition and holster of a secondary handgun to the Firearms Instructor on the firearms

# Beloit Police Department

WI LE Policy Manual

## Firearms

---

qualification form. The firearms qualification form will be forwarded to the Chief of Police for review and authorization to carry the secondary weapon. The department will maintain a list of secondary and off-duty weapons.

### 306.4.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines (Wis. Stat. § 941.23):

- (a) A personally owned firearm shall be used and inspected in accordance with the Authorized Secondary Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm shall be the responsibility of the member.
- (b) The firearm shall be carried in such a manner as to prevent unintentional cocking, discharge or loss of physical control. The preferred method of carry is in a concealable holster. If carried in a visible holster the officers badge shall be visible to identify the member as a law enforcement officer.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify on the Beloit Police Department secondary/off duty firearms course of fire prior to carrying the firearm.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition. If the off duty firearm is department-issued caliber then the department will supply duty ammunition. If the off duty weapon is a different caliber it will be the officers responsibility to supply duty ammunition for that weapon. Duty ammunition must be conventional jacketed hollow point ammunition. No exotic ammunition is authorized (i.e. zombie rounds, glaser safety slugs, explosive or armor piercing, etc.). Ammunition must be approved by a firearms instructor and documented on the firearms qualification form.
- (i) When armed, officers shall carry their badges and Beloit identification cards under circumstances requiring possession of such identification.

## Firearms

---

### **306.5 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

#### **306.5.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor who shall ensure a Firearms Instructor is notified.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Instructor, unless the modification is to a department owned firearm then it must be approved by the Chief.

#### **306.5.2 HOLSTERS**

Only department approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### **306.5.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by a Firearms Instructor. Once the approved tactical lights have been installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### **306.5.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried off-duty after they have been examined and approved by a Firearms Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Officers shall qualify with both fixed sights and laser sights, if a firearm is equipped with a laser sight.

### **306.6 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by a Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by a Firearms Instructor or other firearms training staff.

# Beloit Police Department

## WI LE Policy Manual

### Firearms

---

- (c) Members shall clean, repair, load or unload a firearm in a safe and secure area unless circumstances prevent this. Clearing barrels should be used unless unavailable. Clearing barrels are located in the garage bay area.
- (d) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (e) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor or the tactical commander.
- (f) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly reported to a supervisor who shall ensure the firearm is presented to a Firearms Instructor for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 306.6.1 INSPECTION AND STORAGE

Handguns shall be inspected annually. Rifles shall be inspected at the beginning of the shift by each member so equipped. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed into a clearing barrel located in the garage bay.

Handguns may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Rifles shall be placed in a squad ready posture (no cartridge in the chamber and magazine in the magazine well) in a safe manner outside the building and secured in the assigned police vehicle in the locked rifle carrier..

#### 306.6.2 STORAGE AT HOME

It is recommended that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Wis. Stat. § 948.55).

#### 306.6.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member on-duty who has a blood-alcohol content of .02% or higher, or off-duty by any member who has consumed an amount of an alcoholic beverage that

# Beloit Police Department

## WI LE Policy Manual

### Firearms

---

would tend to adversely affect the member's senses or judgment (Wis. Stat. § 941.20(1)(b); Wis. Stat. § 941.20(1)(bm)).

Firearms shall not be carried by any member, either on- or off-duty, who has taken any drugs or medication, or combination thereof that would tend to adversely affect the member's senses or judgment (Drug and Alcohol-Free Policy (1006); Wis. Stat. § 941.20(1)(b); Wis. Stat. § 941.20(1)(bm)).

#### **306.7 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training biannually with their duty firearms. As part of the biannual training, all members will qualify with their duty firearms and shall meet or exceed the standards set by the Wisconsin Law Enforcement Standards Board (Wis. Stat. § 165.85). Members will qualify with off-duty and secondary firearms annually, on the Beloit Police Department Secondary/Off-Duty Firearms qualification course of fire. Training and qualifications must be submitted on a lesson plan and approved by the Patrol Division Captain.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations.(i.e. low-light shooting, barricade, etc).

##### **306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION DEPARTMENT ISSUED FIREARM**

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, the firearms instructor shall submit a memorandum to the Patrol Captain prior to the end of the required training or qualification period.

Based on a Department Firearms Instructor's evaluation, those who fail to meet minimum standards or qualify on their initial shooting session shall be subject to the following requirements:

- (a) Members who fail to meet minimum standards will be provided remedial training and removed from field assignment until they successfully pass qualification.
- (b) Additional range assignments will be scheduled to assist the member in demonstrating consistent firearm proficiency.
  1. If the member fails to qualify after two additional remedial sessions within a 14 day period, disciplinary action will result up to and including decertification as a law enforcement officers per Wisconsin Law Enforcement Standards Board (Wis. Stat. § 165.85)

#### **306.8 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. The supervisor shall immediately notify the Shift Commander who shall ensure notifications are made pursuant to the Major Incident Notification Policy (328) and that the circumstances regarding the firearms discharge are fully investigated and documented.If the discharge results in injury or death to another person, additional statements and reports shall

# Beloit Police Department

## WI LE Policy Manual

### *Firearms*

---

be made in accordance with the Officer-Involved Deaths and Critical Incidents Policy (305). If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy (300).

#### **306.8.1 DANGEROUS ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical. In such instances the officer shall immediately notify their shift commander. A supervisor should be sent to the scene to investigate and ensure Use of Force reports are filed pursuant to Policy 300, and replacement ammunition is issued.

#### **306.8.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. In such instances the officer shall immediately notify their shift commander. A supervisor should be sent to the scene to investigate and ensure Use of Force reports are filed pursuant to Policy 300, and replacement ammunition is issued.

#### **306.9 FIREARMS INSTRUCTOR DUTIES**

The range will be under the control of a Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Director of Support Services after each range date. Failure of any member to sign in with the Firearms Instructor may result in non-participation or non-qualification.

Firearms Instructors who are certified armorers have the responsibility of conducting department scheduled annual inspections of all duty firearms carried by members of this department to verify proper operation. The Firearms Instructor/Armorer has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by a Firearms Instructor/Armorer.

The Firearms Instructor are tasked to provide firearms training for each member of the department. Each member of the department is responsible to meet the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry. The Director of Support Services shall maintain documentation that the handgun qualification standards set by the

# Beloit Police Department

WI LE Policy Manual

## Firearms

---

Wisconsin Law Enforcement Standards Board are either met or exceeded by each officer (Wis. Stat. § 165.85).

Firearms Instructors shall complete and submit to the Director of Support Services documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. Firearms Instructors should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Patrol Division Captain.

### **306.10 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219): [See attachment: TSA 49 CFR 1544.219](#)

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Beloit Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Beloit Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Beloit Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel shall also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times.



# Beloit Police Department

WI LE Policy Manual

## Firearms

---

Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **306.11 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B): [See attachment: Title 18 USC 926B LE Concealed Firearms](#)

- (a) The officer shall carry his/her Beloit identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

## Attachments

## **TSA 49 CFR 1544.219.pdf**

individuals, their photographic equipment and film packages must be inspected without exposure to an explosives detection system.

**§ 1544.215 Security coordinators.**

(a) *Aircraft Operator Security Coordinator.* Each aircraft operator must designate and use an Aircraft Operator Security Coordinator (AOSC). The AOSC and any alternates must be appointed at the corporate level and must serve as the aircraft operator's primary contact for security-related activities and communications with TSA, as set forth in the security program. Either the AOSC, or an alternate AOSC, must be available on a 24-hour basis.

(b) *Ground Security Coordinator.* Each aircraft operator must designate and use a Ground Security Coordinator for each domestic and international flight departure to carry out the Ground Security Coordinator duties specified in the aircraft operator's security program. The Ground Security Coordinator at each airport must conduct the following daily:

(1) A review of all security-related functions for which the aircraft operator is responsible, for effectiveness and compliance with this part, the aircraft operator's security program, and applicable Security Directives.

(2) Immediate initiation of corrective action for each instance of noncompliance with this part, the aircraft operator's security program, and applicable Security Directives. At foreign airports where such security measures are provided by an agency or contractor of a host government, the aircraft operator must notify TSA for assistance in resolving noncompliance issues.

(c) *In-flight Security Coordinator.* Each aircraft operator must designate and use the pilot in command as the In-flight Security Coordinator for each domestic and international flight to perform duties specified in the aircraft operator's security program.

**§ 1544.217 Law enforcement personnel.**

(a) The following applies to operations at airports within the United States that are not required to hold a security program under part 1542 of this chapter.

(1) For operations described in § 1544.101(a) each aircraft operator must provide for law enforcement personnel meeting the qualifications and standards specified in §§ 1542.215 and 1542.217 of this chapter.

(2) For operations under a partial program under § 1544.101(b) and (c), a twelve-five program under § 1544.101(d) and (e), a private charter program under § 1544.101(f), or a full all-cargo program under § 1544.101(h) and (i), each aircraft operator must—

(i) Arrange for law enforcement personnel meeting the qualifications and standards specified in § 1542.217 of this chapter to be available to respond to an incident; and

(ii) Provide its employees, including crewmembers, current information regarding procedures for obtaining law enforcement assistance at that airport.

(b) The following applies to operations at airports required to hold security programs under part 1542 of this chapter. For operations under a partial program under § 1544.101(b) and (c), a twelve-five program under § 1544.101(d) and (e), a private charter program under § 1544.101(f), or a full all-cargo program under § 1544.101(h) and (i), each aircraft operator must—

(1) Arrange with TSA and the airport operator, as appropriate, for law enforcement personnel meeting the qualifications and standards specified in § 1542.217 of this chapter to be available to respond to incidents, and

(2) Provide its employees, including crewmembers, current information regarding procedures for obtaining law enforcement assistance at that airport.

[67 FR 8364, Feb. 22, 2002, as amended at 71 FR 30510, May 26, 2006]

**§ 1544.219 Carriage of accessible weapons.**

(a) *Flights for which screening is conducted.* The provisions of § 1544.201(d), with respect to accessible weapons, do not apply to a law enforcement officer (LEO) aboard a flight for which screening is required if the requirements of this section are met. Paragraph (a) of this section does not apply to a Federal Air Marshal on duty status under § 1544.223.

**§ 1544.219**

**49 CFR Ch. XII (10–1–11 Edition)**

(1) Unless otherwise authorized by TSA, the armed LEO must meet the following requirements:

(i) Be a Federal law enforcement officer or a full-time municipal, county, or state law enforcement officer who is a direct employee of a government agency.

(ii) Be sworn and commissioned to enforce criminal statutes or immigration statutes.

(iii) Be authorized by the employing agency to have the weapon in connection with assigned duties.

(iv) Has completed the training program “Law Enforcement Officers Flying Armed.”

(2) In addition to the requirements of paragraph (a)(1) of this section, the armed LEO must have a need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department, or service and be based on one of the following:

(i) The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function.

(ii) The conduct of a hazardous surveillance operation.

(iii) On official travel required to report to another location, armed and prepared for duty.

(iv) Employed as a Federal LEO, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement.

(v) Control of a prisoner, in accordance with §1544.221, or an armed LEO on a round trip ticket returning from escorting, or traveling to pick up, a prisoner.

(vi) TSA Federal Air Marshal on duty status.

(3) The armed LEO must comply with the following notification requirements:

(i) All armed LEOs must notify the aircraft operator of the flight(s) on which he or she needs to have the weapon accessible at least 1 hour, or in

an emergency as soon as practicable, before departure.

(ii) Identify himself or herself to the aircraft operator by presenting credentials that include a clear full-face picture, the signature of the armed LEO, and the signature of the authorizing official of the agency, service, or department or the official seal of the agency, service, or department. A badge, shield, or similar device may not be used, or accepted, as the sole means of identification.

(iii) If the armed LEO is a State, county, or municipal law enforcement officer, he or she must present an original letter of authority, signed by an authorizing official from his or her employing agency, service or department, confirming the need to travel armed and detailing the itinerary of the travel while armed.

(iv) If the armed LEO is an escort for a foreign official then this paragraph (a)(3) may be satisfied by a State Department notification.

(4) The aircraft operator must do the following:

(i) Obtain information or documentation required in paragraphs (a)(3)(ii), (iii), and (iv) of this section.

(ii) Advise the armed LEO, before boarding, of the aircraft operator’s procedures for carrying out this section.

(iii) Have the LEO confirm he/she has completed the training program “Law Enforcement Officers Flying Armed” as required by TSA, unless otherwise authorized by TSA.

(iv) Ensure that the identity of the armed LEO is known to the appropriate personnel who are responsible for security during the boarding of the aircraft.

(v) Notify the pilot in command and other appropriate crewmembers, of the location of each armed LEO aboard the aircraft. Notify any other armed LEO of the location of each armed LEO, including FAM’s. Under circumstances described in the security program, the aircraft operator must not close the doors until the notification is complete.

(vi) Ensure that the information required in paragraphs (a)(3)(i) and (ii) of this section is furnished to the flight crew of each additional connecting

flight by the Ground Security Coordinator or other designated agent at each location.

(b) *Flights for which screening is not conducted.* The provisions of §1544.201(d), with respect to accessible weapons, do not apply to a LEO aboard a flight for which screening is not required if the requirements of paragraphs (a)(1), (3), and (4) of this section are met.

(c) *Alcohol.* (1) No aircraft operator may serve any alcoholic beverage to an armed LEO.

(2) No armed LEO may:

(i) Consume any alcoholic beverage while aboard an aircraft operated by an aircraft operator.

(ii) Board an aircraft armed if they have consumed an alcoholic beverage within the previous 8 hours.

(d) *Location of weapon.* (1) Any individual traveling aboard an aircraft while armed must at all times keep their weapon:

(i) Concealed and out of view, either on their person or in immediate reach, if the armed LEO is not in uniform.

(ii) On their person, if the armed LEO is in uniform.

(2) No individual may place a weapon in an overhead storage bin.

**§ 1544.221 Carriage of prisoners under the control of armed law enforcement officers.**

(a) This section applies as follows:

(1) This section applies to the transport of prisoners under the escort of an armed law enforcement officer.

(2) This section does not apply to the carriage of passengers under voluntary protective escort.

(3) This section does not apply to the escort of non-violent detainees of the Immigration and Naturalization Service. This section does not apply to individuals who may be traveling with a prisoner and armed escort, such as the family of a deportee who is under armed escort.

(b) For the purpose of this section:

(1) “High risk prisoner” means a prisoner who is an exceptional escape risk, as determined by the law enforcement agency, and charged with, or convicted of, a violent crime.

(2) “Low risk prisoner” means any prisoner who has not been designated as “high risk.”

(c) No aircraft operator may carry a prisoner in the custody of an armed law enforcement officer aboard an aircraft for which screening is required unless, in addition to the requirements in §1544.219, the following requirements are met:

(1) The agency responsible for control of the prisoner has determined whether the prisoner is considered a high risk or a low risk.

(2) Unless otherwise authorized by TSA, no more than one high risk prisoner may be carried on the aircraft.

(d) No aircraft operator may carry a prisoner in the custody of an armed law enforcement officer aboard an aircraft for which screening is required unless the following staffing requirements are met:

(1) A minimum of one armed law enforcement officer must control a low risk prisoner on a flight that is scheduled for 4 hours or less. One armed law enforcement officer may control no more than two low risk prisoners.

(2) A minimum of two armed law enforcement officers must control a low risk prisoner on a flight that is scheduled for more than 4 hours. Two armed law enforcement officers may control no more than two low risk prisoners.

(3) For high-risk prisoners:

(i) For one high-risk prisoner on a flight: A minimum of two armed law enforcement officers must control a high risk prisoner. No other prisoners may be under the control of those two armed law enforcement officers.

(ii) If TSA has authorized more than one high-risk prisoner to be on the flight under paragraph (c)(2) of this section, a minimum of one armed law enforcement officer for each prisoner and one additional armed law enforcement officer must control the prisoners. No other prisoners may be under the control of those armed law enforcement officers.

(e) An armed law enforcement officer who is escorting a prisoner—

(1) Must notify the aircraft operator at least 24 hours before the scheduled departure, or, if that is not possible as far in advance as possible of the following—

## **Title 18 USC 926B LE Concealed Firearms.pdf**

shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: *Provided*, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

(Added Pub. L. 99-360, §1(a), July 8, 1986, 100 Stat. 766.)

#### PRIOR PROVISIONS

A prior section 926A, added Pub. L. 99-308, §107(a), May 19, 1986, 100 Stat. 460, provided that any person not prohibited by this chapter from transporting, shipping, or receiving a firearm be entitled to transport an unloaded, not readily accessible firearm in interstate commerce notwithstanding any provision of any legislation enacted, or rule or regulation prescribed by any State or political subdivision thereof, prior to repeal by Pub. L. 99-360, §1(a).

#### EFFECTIVE DATE

Section effective on date on which Firearms Owners' Protection Act, Pub. L. 99-308, became effective, see section 2 of Pub. L. 99-360, set out as an Effective Date of 1986 Amendments note under section 921 of this title.

#### § 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;

(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 as a law enforcement officer.

(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.

(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.)

#### 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

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).

#### § 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—