

116TH CONGRESS  
2D SESSION

# S. 4445

To establish appropriate rules for prosecutors and Federal judges to carry  
a concealed firearm.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2020

Mr. COTTON (for himself, Mrs. LOEFFLER, and Mrs. BLACKBURN) introduced  
the following bill; which was read twice and referred to the Committee  
on the Judiciary

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## A BILL

To establish appropriate rules for prosecutors and Federal  
judges to carry a concealed firearm.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Our Prosecu-  
5 tors and Judges Act of 2020”.

6 **SEC. 2. AUTHORITY TO CARRY A CONCEALED FIREARM**  
7 **FOR PROSECUTORS AND FEDERAL JUDGES.**

8 (a) CURRENT PROSECUTORS AND FEDERAL  
9 JUDGES.—Section 926B of title 18, United States Code,  
10 is amended—

1 (1) in the section heading, by inserting “,  
2 **qualified prosecutors, and qualified Fed-**  
3 **eral judges**” after “**qualified law enforce-**  
4 **ment officers**”;

5 (2) in subsection (a)—

6 (A) by inserting “, a qualified prosecutor,  
7 or a qualified Federal judge” after “qualified  
8 law enforcement officer”; and

9 (B) by striking “subsection (d)” and in-  
10 sserting “subsection (e)”;

11 (3) by striking subsections (c), (d), and (e) and  
12 inserting the following:

13 “(c) The identification required by this subsection  
14 is—

15 “(1) with respect to a qualified law enforcement  
16 officer, the photographic identification issued by the  
17 governmental agency for which the individual is em-  
18 ployed that identifies the employee as a police officer  
19 or law enforcement officer of the agency;

20 “(2) with respect to a qualified prosecutor—

21 “(A) the photographic identification issued  
22 by the governmental agency by which the indi-  
23 vidual is employed that identifies the employee  
24 as a prosecutor of the agency; and

25 “(B) a certification—

1           “(i) if agency employing the qualified  
2           prosecutor has authorized the qualified  
3           prosecutor to carry a firearm, that indi-  
4           cates that the qualified prosecutor has  
5           been tested or otherwise found by the  
6           agency to meet the active duty standards  
7           for qualification in firearms training as es-  
8           tablished by the agency to carry a firearm  
9           of the same type as the concealed firearm;  
10          or

11          “(ii) if the agency employing the  
12          qualified prosecutor has not authorized the  
13          qualified prosecutor to carry a firearm,  
14          issued by the State in which the qualified  
15          prosecutor resides or by a certified fire-  
16          arms instructor that is qualified to conduct  
17          a firearms qualification test for active duty  
18          officers within that State that indicates  
19          that the qualified prosecutor has been test-  
20          ed or otherwise found by the State or cer-  
21          tified firearms instructor that is qualified  
22          to conduct a firearms qualification test for  
23          active duty officers within that State to  
24          have met—

1           “(I) the active duty standards for  
2           qualification in firearms training, as  
3           established by the State, to carry a  
4           firearm of the same type as the con-  
5           cealed firearm; or

6           “(II) if the State has not estab-  
7           lished such standards, standards set  
8           by any law enforcement agency within  
9           that State to carry a firearm of the  
10          same type as the concealed firearm;  
11          and

12          “(3) with respect to a qualified Federal judge—

13               “(A) photographic identification issued by  
14               the Federal Government that identifies the indi-  
15               vidual as a Federal judge; and

16               “(B) a certification issued by the State in  
17               which the Federal judge resides or by a cer-  
18               tified firearms instructor that is qualified to  
19               conduct a firearms qualification test for active  
20               duty officers within that State that indicates  
21               that the individual has been tested or otherwise  
22               found by the State or certified firearms instruc-  
23               tor that is qualified to conduct a firearms quali-  
24               fication test for active duty officers within that  
25               State to have met—

1           “(i) the active duty standards for  
2           qualification in firearms training, as estab-  
3           lished by the State, to carry a firearm of  
4           the same type as the concealed firearm; or

5           “(ii) if the State has not established  
6           such standards, standards set by any law  
7           enforcement agency within that State to  
8           carry a firearm of the same type as the  
9           concealed firearm.”;

10           (4) by redesignating subsection (f) as sub-  
11           section (d); and

12           (5) by adding at the end the following:

13           “(e) As used in this section—

14           “(1) the term ‘firearm’—

15           “(A) except as provided in this paragraph,  
16           has the same meaning as in section 921 of this  
17           title;

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

21           “(C) does not include—

22           “(i) any machinegun (as defined in  
23           section 5845 of the National Firearms  
24           Act);

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

3                   “(iii) any destructive device (as de-  
4                   fined in section 921 of this title);

5                   “(2) the term ‘qualified Federal judge’ means  
6                   an individual who—

7                   “(A) is serving in a position as a judge  
8                   that is established under article I, III, or IV of  
9                   the Constitution of the United States;

10                  “(B) is not the subject of a pending im-  
11                  peachment inquiry or trial;

12                  “(C) is not under the influence of alcohol  
13                  or another intoxicating or hallucinatory drug or  
14                  substance; and

15                  “(D) is not prohibited by Federal law from  
16                  receiving a firearm;

17                  “(3) the term ‘qualified law enforcement officer’  
18                  means an employee of a governmental agency who—

19                  “(A) is authorized by law to engage in or  
20                  supervise the prevention, detection, investiga-  
21                  tion or prosecution of, or the incarceration of  
22                  any person for, any violation of law, and has  
23                  statutory powers of arrest or apprehension  
24                  under section 807(b) of title 10, United States

1 Code (article 7(b) of the Uniform Code of Mili-  
2 tary Justice);

3 “(B) is authorized by the agency to carry  
4 a firearm;

5 “(C) is not the subject of any disciplinary  
6 action by the agency which could result in sus-  
7 pension or loss of police powers;

8 “(D) meets standards, if any, established  
9 by the agency which require the employee to  
10 regularly qualify in the use of a firearm;

11 “(E) is not under the influence of alcohol  
12 or another intoxicating or hallucinatory drug or  
13 substance; and

14 “(F) is not prohibited by Federal law from  
15 receiving a firearm; and

16 “(4) the term ‘qualified prosecutor’ means an  
17 individual who—

18 “(A) is a full-time employee of an agency  
19 of the Federal Government or a State or unit  
20 of local government who—

21 “(i) is continually licensed to practice  
22 law; and

23 “(ii) prosecutes criminal or juvenile  
24 delinquency cases at the Federal, State, or  
25 local level (including supervision, edu-

1 cation, or training of other persons pros-  
2 ecuting such cases);

3 “(B) is not the subject of any disciplinary  
4 action by the agency which could result in sus-  
5 pension;

6 “(C) meets standards, if any, established  
7 by the agency which require the employee to  
8 regularly qualify in the use of a firearm;

9 “(D) is not under the influence of alcohol  
10 or another intoxicating or hallucinatory drug or  
11 substance; and

12 “(E) is not prohibited by Federal law from  
13 receiving a firearm.”.

14 (b) RETIRED PROSECUTORS AND FEDERAL  
15 JUDGES.—Section 926C of title 18, United States Code,  
16 is amended—

17 (1) in the section heading, by inserting “,  
18 **qualified retired prosecutors, and quali-**  
19 **fied retired Federal judges**” after “**quali-**  
20 **fied retired law enforcement officers**”;

21 (2) in subsection (a)—

22 (A) by inserting “, a qualified retired pros-  
23 ecutor, or a qualified Federal judge” after  
24 “qualified law enforcement officer”; and



1 (B) by striking “subsection (d)” and in-  
2 serting “subsection (e)”; and

3 (3) by striking subsections (c), (d), and (e) and  
4 inserting the following:

5 “(c) The identification required by this subsection  
6 is—

7 “(1) with respect to a qualified retired law en-  
8 forcement officer—

9 “(A) a photographic identification issued  
10 by the agency from which the individual sepa-  
11 rated from service as a law enforcement officer  
12 that identifies the person as having been em-  
13 ployed as a police officer or law enforcement of-  
14 ficer and indicates that the individual has, not  
15 less recently than 1 year before the date the in-  
16 dividual is carrying the concealed firearm, been  
17 tested or otherwise found by the agency to meet  
18 the active duty standards for qualification in  
19 firearms training as established by the agency  
20 to carry a firearm of the same type as the con-  
21 cealed firearm; or

22 “(B)(i) a photographic identification issued  
23 by the agency from which the individual sepa-  
24 rated from service as a law enforcement officer  
25 that identifies the person as having been em-

1           employed as a police officer or law enforcement of-  
2           ficer; and

3           “(ii) a certification issued by the State in  
4           which the individual resides or by a certified  
5           firearms instructor that is qualified to conduct  
6           a firearms qualification test for active duty offi-  
7           cers within that State that indicates that the  
8           individual has, not less than 1 year before the  
9           date the individual is carrying the concealed  
10          firearm, been tested or otherwise found by the  
11          State or certified firearms instructor that is  
12          qualified to conduct a firearms qualification test  
13          for active duty officers within that State to  
14          have met—

15                 “(I) the active duty standards for  
16                 qualification in firearms training, as estab-  
17                 lished by the State, to carry a firearm of  
18                 the same type as the concealed firearm; or

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

24           “(2) with respect to a qualified retired pros-  
25           ecutor—

1           “(A) the photographic identification issued  
2 by the governmental agency by which the indi-  
3 vidual was employed that identifies the indi-  
4 vidual as a former prosecutor of the agency;  
5 and

6           “(B) a certification issued by the State in  
7 which the qualified retired prosecutor resides or  
8 by a certified firearms instructor that is quali-  
9 fied to conduct a firearms qualification test for  
10 active duty officers within that State that indi-  
11 cates that the qualified retired prosecutor has,  
12 not less than 1 year before the date the quali-  
13 fied retired prosecutor is carrying the concealed  
14 firearm, been tested or otherwise found by the  
15 State or certified firearms instructor that is  
16 qualified to conduct a firearms qualification test  
17 for active duty officers within that State to  
18 have met—

19           “(i) the active duty standards for  
20 qualification in firearms training, as estab-  
21 lished by the State, to carry a firearm of  
22 the same type as the concealed firearm; or

23           “(ii) if the State has not established  
24 such standards, standards set by any law  
25 enforcement agency within that State to

1           carry a firearm of the same type as the  
2           concealed firearm; and

3           “(3) with respect to a qualified retired Federal  
4       judge—

5           “(A) photographic identification issued by  
6       the Federal Government that identifies the indi-  
7       vidual as a former Federal judge; and

8           “(B) a certification issued by the State in  
9       which the Federal judge resides or by a cer-  
10      tified firearms instructor that is qualified to  
11      conduct a firearms qualification test for active  
12      duty officers within that State that indicates  
13      that the individual has, not less than 1 year be-  
14      fore the date the individual is carrying the con-  
15      cealed firearm, been tested or otherwise found  
16      by the State or certified firearms instructor  
17      that is qualified to conduct a firearms qualifica-  
18      tion test for active duty officers within that  
19      State to have met—

20           “(i) the active duty standards for  
21      qualification in firearms training, as estab-  
22      lished by the State, to carry a firearm of  
23      the same type as the concealed firearm; or

24           “(ii) if the State has not established  
25      such standards, standards set by any law

1 enforcement agency within that State to  
2 carry a firearm of the same type as the  
3 concealed firearm.

4 “(d) As used in this section—

5 “(1) the term ‘firearm’—

6 “(A) except as provided in this paragraph,  
7 has the same meaning as in section 921 of this  
8 title;

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

12 “(C) does not include—

13 “(i) any machinegun (as defined in  
14 section 5845 of the National Firearms  
15 Act);

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

18 “(iii) any destructive device (as de-  
19 fined in section 921 of this title);

20 “(2) the term ‘qualified retired Federal judge’  
21 means an individual who—

22 “(A) separated from service in good stand-  
23 ing from service in a position as a judge that  
24 was established under article I, III, or IV of the  
25 Constitution of the United States;

1           “(B)(i) has not been officially found by a  
2 qualified medical professional employed by the  
3 Federal Government to be unqualified for rea-  
4 sons relating to mental health and as a result  
5 of this finding will not be issued the photo-  
6 graphic identification as described in subsection  
7 (c)(3); and

8           “(ii) has not entered into an agreement  
9 with the Federal Government in which that in-  
10 dividual acknowledges he or she is not qualified  
11 under this section for reasons relating to men-  
12 tal health and for those reasons will not receive  
13 or accept the photographic identification as de-  
14 scribed in subsection (c)(3);

15           “(C) during the most recent 12-month pe-  
16 riod, has met, at the expense of the individual,  
17 the standards for qualification in firearms  
18 training for active law enforcement officers, as  
19 determined by the State in which the individual  
20 resides or, if the State has not established such  
21 standards, either a law enforcement agency  
22 within the State in which the individual resides  
23 or the standards used by a certified firearms in-  
24 structor that is qualified to conduct a firearms

1 qualification test for active duty officers within  
2 that State;

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

6 “(E) is not prohibited by Federal law from  
7 receiving a firearm;

8 “(3) the term ‘qualified retired law enforcement  
9 officer’ means an individual who—

10 “(A) separated from service in good stand-  
11 ing from service with a public agency as a law  
12 enforcement officer;

13 “(B) before such separation, was author-  
14 ized by law to engage in or supervise the pre-  
15 vention, detection, investigation, or prosecution  
16 of, or the incarceration of any person for, any  
17 violation of law, and had statutory powers of  
18 arrest or apprehension under section 807(b) of  
19 title 10, United States Code (article 7(b) of the  
20 Uniform Code of Military Justice);

21 “(C)(i) before such separation, served as a  
22 law enforcement officer for an aggregate of 10  
23 years or more; or

24 “(ii) separated from service with such  
25 agency, after completing any applicable proba-

1           tionary period of such service, due to a service-  
2           connected disability, as determined by such  
3           agency;

4           “(D) during the most recent 12-month pe-  
5           riod, has met, at the expense of the individual,  
6           the standards for qualification in firearms  
7           training for active law enforcement officers, as  
8           determined by the former agency of the indi-  
9           vidual, the State in which the individual resides  
10          or, if the State has not established such stand-  
11          ards, either a law enforcement agency within  
12          the State in which the individual resides or the  
13          standards used by a certified firearms instruc-  
14          tor that is qualified to conduct a firearms quali-  
15          fication test for active duty officers within that  
16          State;

17          “(E)(i) has not been officially found by a  
18          qualified medical professional employed by the  
19          agency to be unqualified for reasons relating to  
20          mental health and as a result of this finding  
21          will not be issued the photographic identifica-  
22          tion as described in subsection (c)(1); or

23          “(ii) has not entered into an agreement  
24          with the agency from which the individual is  
25          separating from service in which that individual



1 acknowledges he or she is not qualified under  
2 this section for reasons relating to mental  
3 health and for those reasons will not receive or  
4 accept the photographic identification as de-  
5 scribed in subsection (c)(1);

6 “(F) is not under the influence of alcohol  
7 or another intoxicating or hallucinatory drug or  
8 substance; and

9 “(G) is not prohibited by Federal law from  
10 receiving a firearm; and

11 “(4) the term ‘qualified retired prosecutor’  
12 means an individual who—

13 “(A) separated from service in good stand-  
14 ing from service as a full-time employee of an  
15 agency of the Federal Government or a State or  
16 unit of local government who—

17 “(i) during such service was contin-  
18 ually licensed to practice law; and

19 “(ii) prosecuted criminal or juvenile  
20 delinquency cases at the Federal, State, or  
21 local level (including supervision, edu-  
22 cation, or training of other persons pros-  
23 ecuting such cases);

1           “(B) before such separation, served as de-  
2           scribed in subparagraph (A) for an aggregate of  
3           10 years or more;

4           “(C)(i) has not been officially found by a  
5           qualified medical professional employed by the  
6           agency to be unqualified for reasons relating to  
7           mental health and as a result of this finding  
8           will not be issued the photographic identifica-  
9           tion as described in subsection (c)(2); and

10          “(ii) has not entered into an agreement  
11          with the agency in which that individual ac-  
12          knowledges he or she is not qualified under this  
13          section for reasons relating to mental health  
14          and for those reasons will not receive or accept  
15          the photographic identification as described in  
16          subsection (c)(2);

17          “(D) during the most recent 12-month pe-  
18          riod, has met, at the expense of the individual,  
19          the standards for qualification in firearms  
20          training for active law enforcement officers, as  
21          determined by the former agency of the indi-  
22          vidual, the State in which the individual resides  
23          or, if the State has not established such stand-  
24          ards, either a law enforcement agency within  
25          the State in which the individual resides or the

1 standards used by a certified firearms instruc-  
2 tor that is qualified to conduct a firearms quali-  
3 fication test for active duty officers within that  
4 State;

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

8 “(F) is not prohibited by Federal law from  
9 receiving a firearm.”.

10 (c) TECHNICAL AND CONFORMING AMENDMENT.—

11 The table of sections for chapter 44 of title 18, United  
12 States Code, is amended by striking the items relating to  
13 sections 926B and 926C and inserting the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers,  
qualified prosecutors, and qualified Federal judges.

“926C. Carrying of concealed firearms by qualified retired law enforcement offi-  
cers, qualified retired prosecutors, and qualified retired Federal  
judges.”.

14 (d) REGULATIONS.—The Attorney General and the  
15 Director of the Administrative Office of United States  
16 Courts may promulgate such regulations as are necessary  
17 to carry out the amendments made by this section.

○