

1 S.281

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Public safety; law enforcement officers; retirees; firearms

6 Statement of purpose: This bill proposes to allow individuals who are  
7 qualified retired law enforcement officers to carry concealed firearms that have  
8 been shipped or transported in interstate or foreign commerce.

9 An act relating to carrying of concealed firearms by qualified retired law  
10 enforcement officers

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 20 V.S.A. § 2366 is added to read:

13 § 2366. QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS;

14 CARRYING OF CONCEALED FIREARMS

15 (a) Notwithstanding any other provision of the law to the contrary, an  
16 individual who is a qualified retired law enforcement officer and who is  
17 carrying the identification required by subsection (d) of this section may carry  
18 a concealed firearm that has been shipped or transported in interstate or foreign  
19 commerce subject to subsection (b) of this section.

1       (b) This section shall not be construed to supersede or limit the laws of this  
2 state that:

3           (1) permit private persons or entities to prohibit or restrict the possession  
4 of concealed firearms on their property; or

5           (2) prohibit or restrict the possession of firearms on any state or local  
6 government property, installation, building, base, or park.

7       (c) As used in this section, the term “qualified retired law enforcement  
8 officer” means an individual who:

9           (1) retired in good standing, other than for reasons of mental instability,  
10 from service with a public agency as a law enforcement officer;

11           (2) before retirement was authorized by law to engage in or supervise  
12 the prevention, detection, investigation, or prosecution of or the incarceration  
13 of any person for any violation of law and had statutory powers of arrest;

14           (3)(A) before retirement was regularly employed as a law enforcement  
15 officer for an aggregate of 15 years or more; or

16           (B) retired from service with a public agency, after completing any  
17 applicable probationary period of service, due to a service-connected disability,  
18 as determined by such agency;

19           (4) has a nonforfeitable right to benefits under the retirement plan of the  
20 agency;

1           (5) during the most recent 12-month period has met, at the expense of  
2 the individual, the state's standards for training and qualification for active law  
3 enforcement officers to carry firearms;

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

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

7           (d) The identification required by this subsection shall be:

8           (1) a photographic identification issued by the agency from which the  
9 individual retired from service as a law enforcement officer that indicates that  
10 not less recently than one year before the date the individual carries the  
11 concealed firearm the individual has been tested or otherwise found by the  
12 agency to meet the standards established by the agency for training and  
13 qualification for active law enforcement officers to carry a firearm of the same  
14 type as the concealed firearm; or

15           (2)(A) a photographic identification issued by the agency from which  
16 the individual retired from service as a law enforcement officer; and

17           (B) a certification issued by the state in which the individual resides  
18 that indicates that not less recently than one year before the date the individual  
19 carries the concealed firearm the individual has been tested or otherwise found  
20 by the state to meet the standards established by the state for training and

1 qualification for active law enforcement officers to carry a firearm of the same  
2 type as the concealed firearm.

3 (e) As used in this section, the term “firearm” does not include:

4 (1) a machine gun, as defined in section 5845 of the federal National  
5 Firearms Act;

6 (2) a firearm silencer, as defined in 18 U.S.C. § 921; and

7 (3) a destructive device, as defined in 18 U.S.C. § 921.