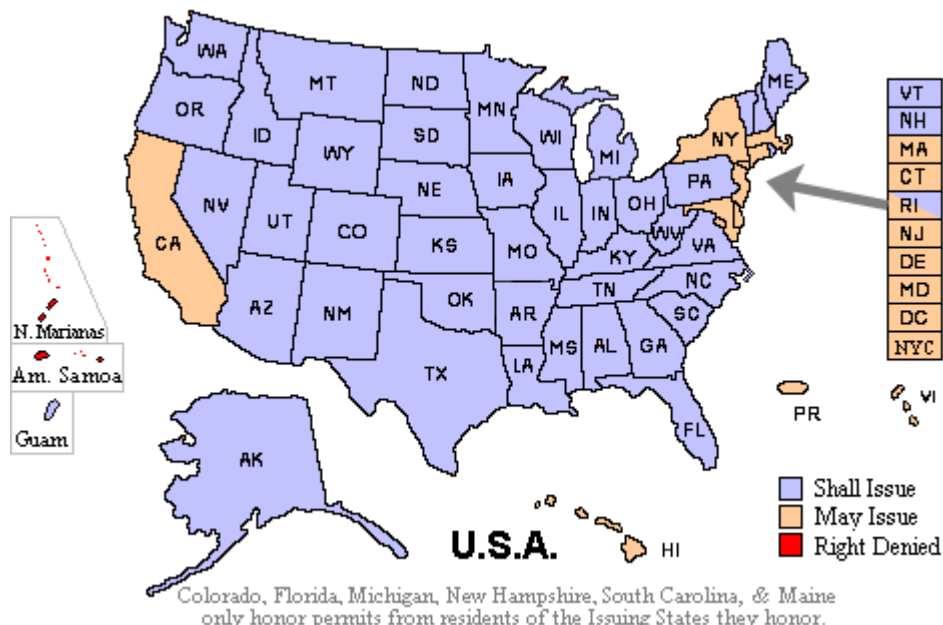


# United States of America



## Links

[BATF](#)

[BATF FAQs](#)

[BATF Publications](#)

[U.S. Attorney General](#)

[U. S. Code](#)

[Code of Fed Regulations](#)

[State AG's](#)

[U.S. Courts](#)

[U.S. Senate](#)

[U.S. House Rep.](#)

[Thomas Library](#)

**Last Updated: 2/8/17**

## Federal Law on Transporting Firearms

Title 18 > Part 1 > Chapter 44 > [§ 926A](#)

### **§ 926A. Interstate Transportation Of Firearms**

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm 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.

**Note:** The United States Court of Appeals For the Third Circuit has ruled that Section 926A of Title 18 of the United States Code only protects those traveling by vehicle and does not cover a person transporting a firearm through an airport terminal to board an aircraft with an unloaded secured firearm in a locked box to be declared and in checked baggage to the airline. See Court ruling [Here](#).

**Note For Your Information:** The Federal Code is full of the same wording on the definition of "State." Federal Code states: The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone). When State Law uses the word state it most likely has the same meaning. Some states that honor other states permit/licenses to carry mention DC by name and others don't. The LEOSA covers all areas as defined by the Federal Government.

## Informational Links

### BATFE & TSA Links

- [BATF New Rules Wanted by Obama Jan 2016](#) 18.2 MB
- [Regulatory Documents & Notices](#) BATF
- [BATF Rulings](#)
- [BATF Regulations](#)
- [BATF FAQs](#)
- [Flying with Firearms](#) TSA
- [Permit/License Exempts From Background Check](#)
- [BATF on Gun Free School Zones](#) (2002)
- [BATF on Gun Free School Zones](#) (2013)
- [Federal Firearms Laws](#) BATF
- [ATF Form 4473](#)
- [State Firearm Laws \(BATFE\)](#)
- With Notices, Instructions & Definitions for Each Section Revised Oct. 2016

### U.S. Government Agency Information

- [US Military Home Of Record Information](#)
- [Carry In Commercial Motor Carrier](#)
- [US Forest Service Firearm Regulations](#)
- [Carry In Commercial Motor Carrier](#)  
PHMSA Online Letter
- [Title 36 Part II Sec. 261.10 \(d\)](#)
- [Amtrak Rules on Transporting Firearms](#)
- [Carry In Commercial Motor Carrier](#)  
U.S. Dept of Transportation
- [DOJ/AG on Flying With Firearms to NY Airports](#)
- [Corps of Eng Rules/Reg Pamphlet](#)

### Court Decisions

- [DC vs Heller Decision](#)
- [U.S. Supreme CT Decision on Misdemeanor Domestic Violence & RKBA](#)
- [USA vs Montague Police can Temp Detain You and Perform Terry Stop Even With a Permit/License](#)
- [U.S. Supreme Ct– Must Inform Police You Invoke Your 5<sup>th</sup> or Silence Can Be Used Against You](#)
- [U.S. Supreme Ct – Massachusetts Stun Gun Ban Reversed by Court. \(3/16\)](#)

### Canada/Mexico Information

- [BATF Form 6NIA – App/Permit for Temp Importation of Firearms/Ammo by Nonimmigrant Aliens](#)
- [Canada - Canada Firearms Centre](#)
- [Transporting Firearms Into Canada](#)
- [Canada Info for Visitors/Non Residents RCMP](#)
- [Information On Visiting Canada with Firearms From RCMP](#)

### Misc. Information

- [U.S. Knife Laws With City/County Law Links](#)
- [Concealed Carry on Reservations Information/Codes/Links to Tribal Laws.](#)

## Places Off-Limits Even With a Permit/License

1. **Federal Courthouses\***
2. **Federal Buildings\***
3. **Any Building Owed, Leased or Rented by the Federal Government.** This includes buildings in National Forests which are property of the Federal Government. There is no Federal Law that prohibits carry in National Forests. States control the carrying of firearms in National Forests in their state.
4. **Federal Prisons\***
5. **U.S. Army Corps of Engineers\*** The Corps builds and runs flood control and navigation Dams. The Corps has jurisdiction over the Dam Site and usually all waters backed up by the dam. See U.S. Army Corps of Engineers section below. Carry anywhere on Corps property is illegal. Firearms can be unloaded and secured in a vehicle while on Corps Property. See Corps of Engineers Section Below.
6. **National Cemeteries\*** CFR Title 38 - PART 1 - 1.218 (a) (13)
7. **Military Bases** Firearms are forbidden on military bases even unloaded and secured in a vehicle. Carry not allowed. Some have shooting clubs. You can take firearms onto the Base to shoot if allowed by the base. Certain rules/regulations must be met before bringing firearms onto a Military Compound. Check at each Military Post for specific rules on Shooting Clubs. See GSA and operation of Federal Buildings Section below.
8. **Rented Offices**, Any part of any building that the Federal Government has rented for Office space or work force etc. Just their offices or the part of the building they have control over. You can carry in the rest of the building if state or local laws allow.
9. **Amtrak\*** Effective Dec. 2010 Amtrak will have a system in place to check firearms/Ammo in checked ([Amtrak Firearms Policy](#))  
Also See See Amtrak Section Below.
10. **Post Office** Postal regulations prohibit the possession of firearms in their buildings and in their parking lots or any property they own. March 2016 the US Supreme Court refused to hear an appeal and affirmed a lower Court ruling that the Post Office could ban firearms in its buildings and parking lot.
11. **Bureau of Land Management\*** If you can legally carry in the state the **BLM** land is in you can carry on the BLM land. If it is not legal the area will be posted as no firearms allowed. Any building on the BLM land operated by the federal government is considered federal property and carry in those buildings is not allowed.
12. **Indian Reservations** Carry on Indian property is controlled by Tribal Law. ( See Handgunlaw.us Listing of Reservation CCW Laws [“Here”](#) ). You must check with each tribe before carrying on their property. Some Indian Tribes consider federal and state highways through their property as under their control. There is a link to the Indian Nations on Handgunlaw.us. Look at the header on any of the main pages at Handgunlaw.us and moving your mouse pointer over Indian Nations will give you several links to check on tribal law.

\* This includes parking lots adjacent to or part of the facility if the Federal Agency/Entity owns or has control of the parking lot **and it is posted “No Firearms”**. The lot has to be posted under federal law if they do not wish to have firearms present. See law below.

### **Law Stating That All Federal Buildings Must be Posted.**

**18 USC Sec. 930 01/03/2007**

www.handgunlaw.us

**Title 18 - Crimes And Criminal Procedure**  
**Part I - Crimes**  
**Chapter 44 – Firearms**

**Sec. 930. Possession of Firearms and Dangerous Weapons in Federal Facilities**

- (a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.
- (b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.
- (c) Omitted for space considerations here
- (d) Omitted for space considerations here
- (e) Omitted for space considerations here
- (f) Omitted for space considerations here
- (g) As used in this section:
- (1) **The term "Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.**
  - (2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.
  - (3) Omitted for space considerations here
- (h) **Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.**

**General Services Administration (Own/Lease/Control Most Fed Property)**

**Code of Conduct - Federal Facilities Owned and Leased by the General Services Administration**

(Federal Facilities are owned or leased by the General Services Administration (GSA) the law below covers all of those facilities.) (Fed Reg Below Edited for Space Considerations)

**Code of Federal Regulations**

Title 41. Public Contracts and Property Management  
Subtitle C. Federal Property Management Regulations System  
Chapter 102. Federal Management Regulation  
Subchapter C. Real Property  
Part 102-74. Facility Management  
Subpart C. Conduct on Federal Property  
Applicability

**§ 102-74.365 To Whom Does This Subpart Apply?**

The rules in this subpart apply to all property under the authority of GSA and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

Federal agencies must post the notice in the Appendix to this part at each public entrance to each Federal facility.

### **§ 102-74.375 What is the Policy on Admitting Persons to Government Property?**

Federal agencies must--

(a) Except as otherwise permitted, close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by subpart D of this part, Federal agencies must not close the property (or affected portions thereof) to the public;

(b) Close property to the public during working hours only when situations require this action to provide for the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in § 102-71.20 of this chapter as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials; and

(c) When property or a portion thereof is closed to the public, restrict admission to the property, or the affected portion, to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property. Failure to comply with any of the applicable provisions is a violation of these regulations.

### **§ 102-74.385 What is the Policy Concerning Conformity With Official Signs and Directions?**

Persons in and on property must at all times comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of Federal police officers and other authorized individuals.

### **§ 102-74.440 What is the Policy Concerning Weapons on Federal Property?**

Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by 18 U.S.C. 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.

## **Federal Bureau of Land Management Property**

Persons have the permission of the BLM to possess and use firearms, including lawfully registered assault weapons, on BLM-administered public lands except when prohibited by other applicable laws and regulations.

Other **Regulations** are

To Ensure Public Safety & Protect Public Resources The Following Acts Are **Prohibited** On Public Lands:

### **Firearms**

**10.** Discharging or using firearms or fireworks in a developed recreation site (campgrounds & day use areas).

**11.** Willfully damaging or destroying property, structures or resources (including but not limited to signs and trees).

**12.** Creating a hazard or nuisance (shooting from or across public roads and trails and/or in any manner endangering the public).

13. Possession of an unregistered assault weapon as defined by the State laws you are in and DOJ regulations.

14. Littering (pickup and pack out all targets, expended shells and other personal trash) .

15. Hunting in violation of applicable State and Federal laws and regulations.

## Amtrak Baggage Check Information

### 18 USC § 922 - Unlawful acts

#### **(a) It shall be unlawful—**

(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

### Firearms in Checked Baggage

Effective December 15, 2010, Amtrak will accept reservations of firearms and ammunition for carriage between Amtrak stations and on Amtrak trains within the United States that offer checked baggage service. Thruway Bus Services will not be included in this service change. The following policies are in effect:

- Notification that the passenger will be checking firearms/ammunition must be made no later than 24 hours before train departure by calling Amtrak at 800-USA-RAIL. Online reservations for firearms/ammunition are not accepted.
- The passengers must travel on the same train that is transporting the checked firearms and/or ammunition.
- All firearms and/or ammunition must be checked at least 30 minutes prior to scheduled train departure. Some larger stations require that baggage be checked earlier. Please contact your departure station for more details.
- All firearms (rifles, shotguns, handguns, starter pistols) must be unloaded and in an approved, locked hard-sided container not exceeding 62" L x 17" W x 7" D (1575 mm x 432 mm x 178 mm). The passenger must have sole possession of the key or the combination for the lock to the container. The weight of the container may not exceed 50 lb/23 kg.
- Smaller locked, hard-sided containers containing smaller unloaded firearms such as handguns and starter pistols must be securely stored within a suitcase or other item of checked baggage, but the existence of such a firearm must be declared.
- All ammunition carried must be securely packed in the original manufacturer's container; in fiber, wood, or metal boxes; or in other packaging specifically designed to carry small amounts of ammunition. The maximum weight of all ammunition and containers may not exceed 11 lb/5 kg.
- The passenger is responsible for knowing and following all federal, state, and local firearm laws at all jurisdictions to and through which he or she will be travelling.
- All other Amtrak checked baggage policies apply, including limits on the number of pieces of checked baggage, the maximum weight of each piece (50 lb/23 kg).

- Firearms/ammunition may not be carried in carry-on baggage; therefore, checked baggage must be available on all trains and at all stations in the passenger's itinerary.
- At the time of check-in, passengers will be required to complete and sign a two-part Declaration Form.
- BB guns and Compressed Air Guns (to include paintball markers), are to be treated as firearms and must comply with the above firearms policy. Canisters, tanks, or other devices containing propellants must be emptied prior to checking and securely packaged within the contents of the passenger's luggage.

Passengers failing to meet the above-mentioned requirements for checking firearms will be denied transportation.

Passengers wanting to make firearms declaration in writing should use the [Contact Us](#) page and click on "Checked Firearms Program" from the subject selection menu and follow guidance.

## Carry In National Parks & National Wildlife Areas & Refuges

**Note:** Some National Parks may ban the Possession of Chemical Sprays and may also ban Electric Stun Devices. The Rules on Firearms don't cover these items and the parks can ban them. Check with each Park and their Regulations/Policies before visiting. NRA/ILA [Link](#) to all National Park Weapons Regulation and Policies.

### [National Park System Pamphlet on Firearms](#)

**Any Park or area that falls under the US Dept of Interior now allows the Carrying of firearms. You must be legal to carry the firearm in the state the Park etc is located to carry in the park.**

**In February 2010** carry in National Parks and National Wildlife Refuges will be legal if you can legally carry a concealed firearm in the state the National Park or National Wildlife Refuge is located in. Carry in any buildings owned by the federal government (Which would be any building people work in) in National Parks/National Wildlife Refuges is **illegal**. Other federal laws ban the carrying of firearms in federally owned buildings. Federal Buildings must be posted. (See Below) The states can pass Laws/Rules/Regulations to ban the carrying of firearms in National Parks/National Wildlife Refuges if they wish. The new Federal Code for this change is below.

### **Title 36 Chpt. 1 Part 2 § 2.4 Weapons Traps and Nets.**

**(h)** Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion there of, is located, except as otherwise prohibited by applicable federal law.

### **Chapter 50 Chapter 1 Part 27 § 27.42 Firearms.**

**(e)** Notwithstanding any other provision in this Chapter, persons may possess, carry, and transport concealed, loaded, and operable firearms within a national wildlife refuge in accordance with the laws of the state in which the wildlife refuge, or that portion thereof, is located, except as otherwise prohibited by applicable federal law.

**Note:** Restrooms and Picnic Shelters that are free standing and not part of another building should not be considered a federal building in National Parks/ National Wildlife Refuges. Some NP's have posted outside areas where Employees talk to groups etc. If it is posted do not enter that area with a firearm. By federal law they must post any Building/Area that is off limits.

**Note:** What to look for first is if the Area is under the Dept of Interior. If it is you can carry there if not posted. National Wildlife Refuges, National Monuments, National Preserves, National Historic Sites/Parks, National Rivers, National Memorials, National Recreation Areas and National Seashores usually fall under the National Park Service which the Department of Interior operates. This means all these places listed allow carry there if you can legally carry in the state the above mentioned are located. Do be aware that all buildings posted are off limits to the carrying of firearms.

### **Law Stating That All Federal Buildings Must be Posted.**

#### **18 USC Sec. 930 01/03/2007**

#### **Title 18 - Crimes and Criminal Procedure**

#### **Part I - Crimes**

#### **Chapter 44 – Firearms**

#### **Sec. 930. Possession of Firearms and Dangerous Weapons in Federal Facilities**

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) Omitted for space considerations here

(d) Omitted for space considerations here

(e) Omitted for space considerations here

(f) Omitted for space considerations here

(g) As used in this section:

(1) **The term "Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.**

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(3) Omitted for space considerations here

**(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.**

### **Military Personnel**

**Notice:** The DoD has put out [Directive 5210.56](#) ARMING AND THE USE OF FORCE which allows U.S. military personnel to now request to carry concealed handguns for protection that is not associated with the performance of official duties at government facilities Your facility should put out more information on how you can **“Request”** to carry your personal firearm on base for personal protection.

The 2013 National Defense Authorization Act allows Commanders and Military Mental Health Professionals to make inquiries about personal own firearms under certain conditions. The new copy of the 2013 NDAA is not online but a section has been added reading:



- (a) (3) authorize a health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such health professional or such commanding officer has reasonable grounds to believe such member is at risk for suicide or causing harm to others.

**Department of Defense Cannot Infringe Off-Base RKBA:** This is aimed at base commanders who have ordered that soldiers report and register privately-owned firearms kept at their residences off-based. The Public Law version is not yet online, but here's a [link](#) to the 2011 National Defense Authorization Act as introduced, which became Pub. L. 111-383. Section 1062 (on PDF pages 253-54) provides:

- (a) In General- Except as provided in subsection (c), the Secretary of Defense shall not prohibit, issue any requirement relating to, or collect or record any information relating to the otherwise lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm, privately owned ammunition, or another privately owned weapon by a member of the Armed Forces or civilian employee of the Department of Defense on property that is not--
- (1) a military installation; or
  - (2) any other property that is owned or operated by the Department of Defense...

**Note:** If you have Military Law Enforcement Experience and are still active duty or retired check out the "LEOSA Information" Section on down this page. You may qualify under LEOSA and may be eligible to carry nationwide. The law has changed and now includes military with Law Enforcement experience.

**Note:** If you know of other information concerning firearms and military personnel that you believe should be listed here click on Contact us at the bottom of the main page at [www.handgunlaw.us](http://www.handgunlaw.us) and let us know.

## U.S. Army Corps of Engineers Property

I spoke with the Legal Dept at the Corps of Engineers. It is their contention that nowhere inside the COE boundaries is a weapon/firearm allowed, loaded or unloaded, with CCW permit or without. However the Legal Rep for the Corps I talked with said it is commonly accepted that they will not harass or search private vehicles for weapons/firearms or any other prohibited item without obvious and serious cause to do so and that within their boundaries they do have full authority to do so even in the state park or other facility located inside their boundaries (boat docks, marinas, launch ramps, lake houses, cabins, etc.).

The COE properties are defined as starting at the first signage upon approaching the project area. Camping or park areas usually start at the traffic counters on the road as the specific areas are approached, which can be well within the general COE property boundary.

When the Corps builds a dam to make a lake they usually buy up all the property around where the lake will be formed. Depending on where the lake is and the tracts of land they have to purchase they can own land a good distance from the lake. Their property lines are not marked. They will lease land around their lake to a state to build State Parks etc but the Corps still owns the property and their Regulations apply to that property.

I specifically ask the Legal Rep about the dams on the Ohio River. He told me that on rivers the Corps just owns the property where the Dam is situated. I ask about locking through a dam in a pleasure craft. If you do you have to unload and store the firearm per federal law.

In addition the local project commander has the authority to restrict or deny, with proper prominent signs, the use of ATV's, 4-wheelers, motorcycles, trail bikes, parking arrangements, traffic access, and other areas and/or activities as he sees fit.

By Federal Law and COE Regulations it is illegal to carry a firearm (Unless Hunting on Land the Corps allows hunting on) on the U.S. Corps of Engineers property. This includes the waters of lakes that their dams form and the property surrounding the lake unless there is a private home on the lake. Sometimes the area is densely populated and they did not buy up all the property and existing homes when they formed the lake.

Link to [Corps of Eng Rules/Reg Pamphlet](#) (Also See GSA Section Above)

## Carry In National Forests/National Wilderness Areas

Some states have laws concerning carrying in a National Forest. You must know the law. The State controls the carrying of firearms in the National Forests in their state.

Regulations specific to use of weapons imposed by the Forest Service are that you can't discharge a weapon within 150 yards of any occupied area or structure/development, or discharge a weapon within or into a cave, across or on a body of water or road, or in any manner that endangers a person. You also can't use any tracer or incendiary ammunition. Forest Service regulations require that you also comply with all State laws regarding the use of firearms while hunting.

If you are planning on visiting a designated Wilderness Area, the Regional Forester or Forest Supervisor has the option to implement a special local order which additionally prohibits the mere possession of a firearm within that Wilderness Area. So you should contact the Forest Supervisor's office to find out whether such a restriction has been imposed.

Do be advised that any **Ranger Station** or **Visitors Center** run by a federal agency in any National Forest or Wilderness Area is considered a **Federal Building**. It is illegal to carry any firearm into such a building either concealed or openly even with a CCW from the state the National Forest Ranger Station or Visitors Center. By Federal Law if it is Off Limits to Firearms it must be posted.

If there is a state building in the National Forest or Wilderness Area then state law covers carrying firearms into those buildings. Many states do not have to post their buildings.

## "Federal School Zone Law" Title 18 – Part I – Chpt. 44 - §921 - §922

### [Title 18 > Part I > Chapter 44](#)

#### [§ 921. Definitions](#)

(a) As used in this chapter—

(25) The term "school zone" means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(26) The term "school" means a school which provides elementary or secondary education, as determined under State law.

### [Title 18 > Part I > Chapter 44](#)

#### [§ 922. Unlawful acts](#)

(a) It shall be unlawful—

(q) (1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary <sup>[3]</sup> the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation’s schools by enactment of this subsection.

(2) (A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3) (A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with Reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

- (i) on private property not part of school grounds;
- (ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;
- (iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
- (iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

**BATF Letter on School Zones** (2002)

**BATF on Gun Free School Zones** (2013)

**Note:** As you can see by the law and the BATF Letter if you come within 1000 foot of any school and you do not have a permit/license issued by the state that school is located in you are in violation of the law. The Law states Private Schools. From all that I can find out Home Schools would also qualify as a Private School. The law also states:

**“knowingly possess or discharge a firearm in a place that the individual knows or has reasonable cause to believe is a school zone,”**

That “Knowingly” would most likely protect you from the home school provision. But never forget you can be charged and given your day in court to prove you didn’t know or didn’t have reasonable cause to believe you were within a school zone. There is no way anyone can stay within the law if outside their state of residence unless they have a permit/license issued from the state they are in. Even if Home Schools were not included it would still be impossible unless you kept the firearm unloaded and secured in your vehicle at all times.

The only good thing I can say about this law is I have not read where anyone has been charged with just carrying a firearm within 1000 foot of a school. This law is being applied as an add on charge for people who are charged with another crime and are inside that 1000 foot school zone and have a firearm on them legally or not.

Do read the whole law. If you live within a school zone you can have a firearm on your property and can transport it in and out of the school zone if unloaded and stowed in a vehicle or case.

**LEOSA Information**



The above image was assembled from two or more images and is not 100% correct but gives a good representation of the Air Force LEOSA Credentials. Handgunlaw.us is not sure if the same format would be used for all branches of the Military by just changing the heading or each branch would have a different format.

**Reminder:** Carrying under LEOSA does not cover Magazine Bans in states that have them. NY has passed such a Mag Ban. The Mag in the Autoloader you carry can’t hold more than 10 rounds but by law you can not load more than 7 rounds in it. Other states have mag bans and others are talking about implementing

them. Do check the States Page at [www.handgunlaw.us](http://www.handgunlaw.us) to see if the state you are going to travel in has Magazine Bans before traveling there.

From the [Sheepdog Academy](#):

Many have asked who can qualify retired LEOs and how should range quals be documented. One state (NJ) objected to their retired police permit qualification record being marked to reflect LEOSA certification. That is their choice, but the law is also clear that no state nor any of its agencies can prevent retired LEOs from getting certified to carry concealed in their home state or nationwide. That is because range certifications can be issued to retired LEOs from anyone in their state certified to qualify active duty officers in their state.

Thus, if John Doe instructor qualifies active duty officers one day per year pro bono for Small Town PD, he can qualify retired LEOs every other day of the year under LEOSA. If he does not qualify any active duty LEOs, he cannot qualify retired LEOs for LEOSA.

### **[Qualified Retired Law Enforcement Officer Firearms Training Record](#)**

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Your agency can not stop you from carrying when off duty under LEOSA. They can keep you from carrying your duty firearm Do check with your local FOP or who represents you concerning this matter. For the most up to date and correct information on LEOSA the [Sheepdog Academy](#) is the place to find your answers. Sheepdog Academy also has researched LEOSA Qualifications for different Police Agencies throughout the USA. You can view that list of Agencies [Here](#).

**[Marine Corps LEOSA Order 5580.4](#)** (1/16)

**[Sec. of the Army Memorandum on LEOSA](#)** (11/15)

**[U.S. Army LEOSA](#)** (11/15)

**[Army & U.S.A.F. Can Apply Online for LEOSA Certification](#)** (11/7/14)

**[U.S Air Force Apply/FAQs LEOSA](#)** (Fall 2014)

**[DoD On LEOSA](#)** (Feb 13, 2014)

**[National FOP FAQ's on LEOSA](#)**

**[U.S. Coast Guard Policy on LEOSA](#)**

**[Floor Discussion When HR218 was Passed](#)**

**[US AG on HR218 \[LEOSA\]](#)**

**[LEOSA Info for National Park Police](#)**

**[LEOSA Info for Fed. Bureau of Prisons](#)**

**[NY Ct Case LEOSA & U.S. Coast Guard](#)**

**[Dept of Homeland Security LEOSA Info Dated 10/10/08](#)**

**[New York City - LEOSA Ruling](#)**

**[TSA Directive on LEOSA](#)**

**[US Army LEOSA Facebook Page](#)** – This page may be able to answer your questions or point you in the

right direction to find answers.

**Note:** If you know of any New Documents or updated versions of the Documents listed above please email me at [admins@handgunlaw.us](mailto:admins@handgunlaw.us) so I can add them to this listing. Thank You.

### Changes to Amended LEOSA 10/2010

- Ensure availability of required training, by allowing a retired officer to meet the standard of any agency in his state or of his own former agency. (Currently, officers have to meet state standards, which not all states prescribe.) Addresses departmental liability concerns by allowing training to be conducted by state-qualified private firearm instructors.
- Make clear that LEOSA carry rights extend to retired officers who served with one department, but retired from another.
- Reduce the required time in service to qualify for LEOSA carry rights from 15 years to 10.
- Strike language that conditioned retirees' carry rights on eligibility for retirement benefits.
- Make clear that the law also applies to all federal officers and officers of the Amtrak Police Department.
- Removes Ammo restrictions that states may have. (NJ and Hollow Point Ammo)

**Note:** State Ammo restrictions like HP's in NJ do not apply to those carrying under LEOSA. Magazine restrictions do apply as LEOSA does not address this issue. Be aware of states that have limited the number of rounds a magazine is allowed to hold in their state. Some states regulate bringing firearms into their state. Be aware of these laws. Hawaii has laws that state you must register your firearm with the local police within 72 hours of arriving on the Island.

### Changes to Amended LEOSA 2013

- The National Defense Act of 2013 expanded those “qualified” to include military police of all branches that held “apprehension” authority.

**Note:** The DOD has not put out any directives on how they are going to handle the 2013 Amendment.

### Title 18 > Part 1 > Chapter 44 > [§ 926B](#)

#### § 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).

## **Title 18 > Part 1 > Chapter 44 > [§ 926C](#)**

### **§ 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—

(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 retired law enforcement officer” means an individual who—

(1) separated from service in good standing from service with a public agency as a law enforcement officer;

(2) before such separation, was 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 had

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);

(3)

(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or

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

(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;

(5)

(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

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

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

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and 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 agency 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; or

(2)

(A) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer; and

(B) a certification issued by the State in which the individual resides 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—

(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.

## Title 18 > Part 1 > Chapter 44 > [§ 927](#)

### § 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.

**Note:** You are restricted by all Federal Restrictions on Federal Property. You are bound by all state laws on carrying on state owned property. So if a state bans carry in Court Houses or State Government Offices under LEOSA you can not carry there. Private Property owners can restrict you. If they have a no guns sign you can not carry there. But if a state has a law that says you can't carry on privately owned property like Bars, Churches, Movie Theaters or other private places banned by state law. These areas are not off limits to you if carrying under LEOSA and they are not posted.

The law states Concealed Firearm. I would carry the firearm concealed. If you are an Active LEO with arrest powers you can carry any firearm you want under LEOSA. Even if you only carry revolvers on duty you can carry an autoloader when carrying under LEOSA. Separated LEO's with 10 or more years of service carrying under LEOSA must carry the same type of firearm they qualified with, Auto, Revolver or both. You must have your retired ID. You must also have a certification that is less than one year old that says you have qualified with the type of firearm you are carrying. I would also carry my state issued drivers license.

## Emergency Powers During Disasters

### USC - Title 42 - Chapter 68 - Subchapter V

#### [42 USC § 5207](#) - Firearms policies

##### (a) Prohibition on Confiscation of Firearms

No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of any Federal official, or providing services to such an officer, employee, or other person, while acting in support of relief from a major disaster or emergency, may—

(1) temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation;

(2) require registration of any firearm for which registration is not required by Federal, State, or local law;

- (3) prohibit possession of any firearm, or promulgate any rule, regulation, or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or
- (4) prohibit the carrying of firearms by any person otherwise authorized to carry firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency in support of relief from the major disaster or emergency.

**(b) Limitation**

Nothing in this section shall be construed to prohibit any person in subsection (a) from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency, provided that such temporarily surrendered firearm is returned at the completion of such rescue or evacuation.

**(c) Private Rights of Action**

**(1) In GENERAL**

Any individual aggrieved by a violation of this section may seek relief in an action at law, suit in equity, or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities secured by this section.

**(2) Remedies**

In addition to any existing remedy in law or equity, under any law, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the United States district court in the district in which that individual resides or in which such firearm may be found.

**(3) Attorney Fees**

In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

## Updates to this Page

[Archive of Previous Updates](#)

8/24/16 – Note Added to Beginning of National Parks Section on Chem Sprays/Electric Weapons.

12/1/16 – Notice on DoD Directive 5210.56 Added to Military Personnel Section.

2/8/17 – All Links Checked and Repaired if Needed.