
LEOSA

For The Record

As an example of federal law, I direct you to H.R. 218, the "Law Enforcement Officers' Safety Act," in which constables are included with all other law enforcement officers in being able to carry a concealed weapon anywhere in the United States without a permit. This was reinforced by a case decided by the Supreme Court of New York, People v. Rodriguez, a 15-page decision in which it was determined that a Pa. Constable was not guilty of carrying a firearm illegally because, under the laws of Pennsylvania, a constable is considered a law enforcement officer and therefore protected under H.R. 218.

US Code

18 USC 926B: Carrying of concealed firearms by qualified law enforcement officers –

"(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;**

Referral:

US Code Title 18, Sec. 926B. –

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section926B&num=0&edition=prelim>

18 USC 926B: Carrying of concealed firearms by qualified law enforcement officers

Text contains those laws in effect on January 1, 2023

From Title 18-CRIMES AND CRIMINAL PROCEDURE

PART I-CRIMES

CHAPTER 44-FIREARMS

§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).

Pennsylvania Statutes

Title 18, § 6106 – Firearms not to be carried without a license.

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=61&sctn=6&subsctn=0#>

(a) Offense defined.--

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

- (1) **Constables**, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

...

Title 75, § 102 – Definitions

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=75&div=0&chpt=1&sctn=2&subsctn=0>

"Police officer." A natural person authorized by law **to make arrests for violations of law**.

...

Title 18, § 501 – Definitions

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=5&sctn=1&subsctn=0>

"Peace officer." **Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses**, whether that duty extends to all offenses or is limited to specific offenses...

Section 6106 - Title 18 - CRIMES AND OFFENSES

6106. Firearms not to be carried without a license.

(a) Offense defined.--

(1) Except as provided in paragraph (2), any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.

(2) A person who is otherwise eligible to possess a valid license under this chapter but carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license and has not committed any other criminal violation commits a misdemeanor of the first degree.

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

(2) Members of the army, navy, marine corps, air force or coast guard of the United States or of the National Guard or organized reserves when on duty.

(3) The regularly enrolled members of any organization duly organized to purchase or receive such firearms from the United States or from this Commonwealth.

(4) Any persons engaged in target shooting with a firearm, if such persons are at or are going to or from their places of assembly or target practice and if, while going to or from their places of assembly or target practice, the firearm is not loaded.

(5) Officers or employees of the United States duly authorized to carry a concealed firearm.

Referral:

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=61&sctn=6&subsctn=0>

...

Title 75, § 102. Definitions.

"Police officer." A natural person authorized by law to make arrests for violations of law.

Referral:

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=75&div=0&chpt=1&sctn=2&subsctn=0>

...

Title 18, § 501. Definitions.

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

Referral:

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=5&sctn=1&subsctn=0>