



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

APR 17 2002

CC-57,493 FE:MCH

Mr. [REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. [REDACTED]

This is in response to your letter regarding the Gun-Free School Zones Act. You are a Virginia resident, and you have a Virginia concealed weapons permit. You also have nonresident concealed weapons permits issued by several other States. Your letter asked about an exception to the general ban on possession of firearms in school zones. Specifically, you inquire, "if the State honors another state permit by legal agreement, is that considered the same as issuing it themselves for the purposes of the GFSZA?"

As you know, the Bureau of Alcohol, Tobacco and Firearms enforces the provisions of the Gun Control Act of 1968, including the Gun-Free School Zones Act, 18 U.S.C. § 922(q). The Gun-Free School Zones Act provides that it is unlawful for any individual to knowingly possess or discharge a firearm in a place that the individual knows or has reasonable cause to believe is a school zone, if the firearm has moved in or otherwise affects interstate or foreign commerce. A school zone is defined to include any place in, or on the grounds of, a public, parochial, or private elementary or secondary school, or within 1,000 feet of the school grounds.

The law provides certain exceptions to the general ban on possession of firearms in school zones. One exception is where 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. . ." See 18 U.S.C. § 922(q)(2)(B)(ii). A license qualifies as an

Mr. [REDACTED]

exception only if the law of the State or political subdivision requires law enforcement authorities to verify that the individual is qualified under law to receive the license.

The law clearly provides that in order to qualify as an exception to the general prohibitions of the Gun-Free School Zones Act, the license must be issued by the State in which the school zone is located or a political subdivision of that State. A concealed weapons license or permit from any other State would not satisfy the criteria set forth in the law.

For purposes of the GFSZA, in order to fall within this limited exception, the permit must be issued by the State itself. Accordingly, your possession of a Virginia concealed weapons permit would not exempt you from the prohibitions of the Gun-Free School Zones Act in States that honor other State permits by legal agreement.

Please let me know if you have any further questions.

Sincerely yours,



Gary L. Thomas
Chief, Firearms Programs Division