

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 491

Introduced by Harms, 48

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to guns; to amend sections 69-2441 and 69-2443,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to the Concealed Handgun Permit Act;
4 and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2441, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 69-2441 (1)(a) A permitholder may carry a concealed
4 handgun anywhere in Nebraska, except any: Police, sheriff, or
5 Nebraska State Patrol station or office; detention facility,
6 prison, or jail; courtroom or building which contains a courtroom;
7 polling place during a bona fide election; meeting of the governing
8 body of a county, public school district, municipality, or
9 other political subdivision; meeting of the Legislature or a
10 committee of the Legislature; financial institution; professional,
11 ~~semiprofessional, or collegiate or~~ athletic event; ~~school, school~~
12 ~~grounds, school-owned vehicle, or school-sponsored activity or~~
13 ~~athletic event;~~ building, grounds, vehicle, or sponsored activity
14 or athletic event of any private or public school, or private or
15 public university, college, or community college; place of worship;
16 emergency room or trauma center; political rally or fundraiser;
17 establishment having a license issued under the Nebraska Liquor
18 Control Act that derives over one-half of its total income from the
19 sale of alcoholic liquor; place where the possession or carrying
20 of a firearm is prohibited by state or federal law; a place
21 or premises where the person, persons, entity, or entities in
22 control of the property or employer in control of the property
23 has prohibited permitholders from carrying concealed handguns into
24 or onto the place or premises; or into or onto any other place
25 or premises where handguns are prohibited by law or rule or

1 regulation.

2 (b) A financial institution may authorize its security
3 personnel to carry concealed handguns in the financial institution
4 while on duty so long as each member of the security personnel, as
5 authorized, is in compliance with the Concealed Handgun Permit Act
6 and possesses a permit to carry a concealed handgun issued pursuant
7 to the act.

8 (2) If a person, persons, entity, or entities in control
9 of the property or an employer in control of the property prohibits
10 a permitholder from carrying a concealed handgun into or onto the
11 place or premises and such place or premises are open to the
12 public, a permitholder does not violate this section unless the
13 person, persons, entity, or entities in control of the property
14 or employer in control of the property has posted conspicuous
15 notice that carrying a concealed handgun is prohibited in or
16 on the place or premises or has made a request, directly or
17 through an authorized representative or management personnel, that
18 the permitholder remove the concealed handgun from the place or
19 premises. A permitholder carrying a concealed handgun in a vehicle
20 into or onto any place or premises does not violate this section
21 so long as the handgun is not removed from the vehicle while the
22 vehicle is in or on the place or premises. An employer may prohibit
23 employees or other persons who are permitholders from carrying
24 concealed handguns in vehicles owned by the employer.

25 (3) A permitholder shall not carry a concealed handgun

1 while he or she is consuming alcohol or while the permitholder
2 has remaining in his or her blood, urine, or breath any previously
3 consumed alcohol or any controlled substance as defined in section
4 28-401. A permitholder does not violate this subsection if the
5 controlled substance in his or her blood, urine, or breath was
6 lawfully obtained and was taken in therapeutically prescribed
7 amounts.

8 Sec. 2. Section 69-2443, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 69-2443 (1) A permitholder who violates subsection (1)
11 or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty
12 of a Class III misdemeanor for the first violation and a Class I
13 misdemeanor for any second or subsequent violation.

14 (2) A permitholder who violates subsection (3) of section
15 69-2440 is guilty of a Class I misdemeanor.

16 ~~(3) A permitholder who violates this section shall also~~
17 ~~be subject to revocation of his or her permit under section~~
18 ~~69-2439.~~

19 (3) A permitholder convicted of a violation described in
20 subsection (1) or (2) of this section may also have his or her
21 permit revoked.

22 Sec. 3. Original sections 69-2441 and 69-2443, Revised
23 Statutes Cumulative Supplement, 2006, are repealed.