

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 430

Introduced by Christensen, 44; Janssen, 15.

Read first time January 20, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to firearms; to amend sections 69-2427,
2 69-2430, 69-2433, and 69-2441, Revised Statutes
3 Cumulative Supplement, 2008; to limit the power of cities
4 and villages to regulate the ownership, possession, or
5 transportation of firearms; to change concealed handgun
6 permit issuance provisions; to provide a residency
7 exception for members of the United States Armed Forces
8 with respect to concealed handgun permits; to authorize
9 security personnel to carry concealed handguns in places
10 of worship as prescribed; to provide for concealed
11 handgun permit reciprocity; to harmonize provisions; and
12 to repeal the original sections.

13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Cities and villages shall not have the
2 power to regulate the ownership, possession, or transportation
3 of firearms, except as expressly provided by state law, and
4 any existing ordinances, permits, or regulations regulating the
5 ownership, possession, or transportation of firearms are declared
6 null and void.

7 Sec. 2. Section 69-2427, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

9 69-2427 Sections 69-2427 to 69-2447 and section 6 of this
10 act shall be known and may be cited as the Concealed Handgun Permit
11 Act.

12 Sec. 3. Section 69-2430, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 69-2430 (1) Application for a permit to carry a concealed
15 handgun shall be made in person at any Nebraska State Patrol
16 Troop Headquarters or office provided by the patrol for purposes
17 of accepting such an application. The applicant shall present a
18 current Nebraska motor vehicle operator's license, Nebraska-issued
19 state identification card, or military identification card
20 and shall submit two legible sets of fingerprints for a
21 criminal history record information check pursuant to section
22 69-2431. The application shall be made on a form prescribed
23 by the Superintendent of Law Enforcement and Public Safety.
24 The application shall state the applicant's full name, social
25 security number, motor vehicle operator's license number or

1 state identification card number, address, and date of birth and
2 contain the applicant's signature and shall include space for the
3 applicant to affirm that he or she meets each and every one of
4 the requirements set forth in section 69-2433. The applicant shall
5 attach to the application proof of training and proof of vision as
6 required in subdivision (3) of section 69-2433.

7 (2) A person applying for a permit to carry a concealed
8 handgun who gives false information or offers false evidence of his
9 or her identity is guilty of a Class IV felony.

10 (3) The permit to carry a concealed handgun shall be
11 issued by the Nebraska State Patrol within ~~five business~~ thirty
12 ~~days after completion of the applicant's criminal history record~~
13 ~~information check,~~ the date an application for the permit has been
14 made by the applicant if the applicant has complied with this
15 section and has met all the requirements of section 69-2433.

16 (4) An applicant denied a permit to carry a concealed
17 handgun may appeal to the district court of the judicial district
18 of the county in which he or she resides or the county in which
19 he or she applied for the permit pursuant to the Administrative
20 Procedure Act.

21 Sec. 4. Section 69-2433, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 69-2433 An applicant shall:

24 (1) Be at least twenty-one years of age;

25 (2) Not be prohibited from purchasing or possessing a

1 handgun by 18 U.S.C. 922, as such section existed on January 1,
2 2005;

3 (3) Possess the same powers of eyesight as required under
4 section 60-4,118 for a Class O operator's license. If an applicant
5 does not possess a current Nebraska motor vehicle operator's
6 license, the applicant may present a current optometrist's or
7 ophthalmologist's statement certifying the vision reading obtained
8 when testing the applicant. If such certified vision reading meets
9 the vision requirements prescribed by section 60-4,118 for a Class
10 O operator's license, the vision requirements of this subdivision
11 shall have been met;

12 (4) Not have pled guilty to, not have pled nolo
13 contendere to, or not have been convicted of a felony or a
14 crime of violence under the laws of this state or under the laws of
15 any other jurisdiction;

16 (5) Not have been found in the previous ten years to be a
17 mentally ill and dangerous person under the Nebraska Mental Health
18 Commitment Act or a similar law of another jurisdiction or not be
19 currently adjudged mentally incompetent;

20 ~~(6)~~ (6) (a) Have been a resident of this state for at
21 least one hundred eighty days. For purposes of this section,
22 resident does not include an applicant who maintains a residence in
23 another state and claims that residence for voting or tax purposes
24 except as provided in subdivision (b) of this subdivision;

25 (b) If an applicant is a member of the United States

1 Armed Forces, such applicant shall be considered a resident of
2 this state for purposes of this section after he or she has been
3 stationed at a military installation in this state for at least one
4 hundred eighty days pursuant to permanent duty station orders even
5 though he or she maintains a residence in another state and claims
6 that residence for voting or tax purposes;

7 (7) Have had no violations of any law of this state
8 relating to firearms, unlawful use of a weapon, or controlled
9 substances or of any similar laws of another jurisdiction in the
10 ten years preceding the date of application;

11 (8) Not be on parole, probation, house arrest, or work
12 release;

13 (9) Be a citizen of the United States; and

14 (10) Provide proof of training.

15 Sec. 5. Section 69-2441, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 69-2441 (1)(a) A permitholder may carry a concealed
18 handgun anywhere in Nebraska, except any: Police, sheriff, or
19 Nebraska State Patrol station or office; detention facility,
20 prison, or jail; courtroom or building which contains a courtroom;
21 polling place during a bona fide election; meeting of the
22 governing body of a county, public school district, municipality,
23 or other political subdivision; meeting of the Legislature or a
24 committee of the Legislature; financial institution; professional
25 or semiprofessional athletic event; building, grounds, vehicle,

1 or sponsored activity or athletic event of any public, private,
2 denominational, or parochial school or private or public
3 university, college, or community college; place of worship;
4 hospital, emergency room, or trauma center; political rally
5 or fundraiser; establishment having a license issued under the
6 Nebraska Liquor Control Act that derives over one-half of its
7 total income from the sale of alcoholic liquor; place where the
8 possession or carrying of a firearm is prohibited by state or
9 federal law; a place or premises where the person, persons, entity,
10 or entities in control of the property or employer in control of
11 the property has prohibited permitholders from carrying concealed
12 handguns into or onto the place or premises; or ~~into or onto any~~
13 other place or premises where handguns are prohibited by law or
14 rule or regulation.

15 (b) A financial institution may authorize its security
16 personnel to carry concealed handguns in the financial institution
17 while on duty so long as each member of the security personnel, as
18 authorized, is in compliance with the Concealed Handgun Permit Act
19 and possesses a permit to carry a concealed handgun issued pursuant
20 to the act.

21 (c) A place of worship may authorize its security
22 personnel to carry concealed handguns on its property so long
23 as each member of the security personnel, as authorized, is in
24 compliance with the Concealed Handgun Permit Act and possesses a
25 permit to carry a concealed handgun issued pursuant to the act and,

1 if the property is leased, the carrying of concealed handguns on
2 the property does not violate the terms of any real property lease
3 agreement between the place of worship and the lessor.

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

21 (3) A permitholder shall not carry a concealed handgun
22 while he or she is consuming alcohol or while the permitholder
23 has remaining in his or her blood, urine, or breath any previously
24 consumed alcohol or any controlled substance as defined in section
25 28-401. A permitholder does not violate this subsection if the

1 controlled substance in his or her blood, urine, or breath was
2 lawfully obtained and was taken in therapeutically prescribed
3 amounts.

4 Sec. 6. A valid license or permit to carry a concealed
5 handgun issued by any other state or the District of Columbia shall
6 be recognized as valid in this state under the Concealed Handgun
7 Permit Act if (1) the holder of the license or permit is not a
8 resident of Nebraska and (2) the Attorney General has determined
9 that the standards for issuance of such license or permit by such
10 state or the District of Columbia are equal to or greater than the
11 standards imposed by the act. The Attorney General shall maintain
12 and publish a list of such states and the District of Columbia
13 which he or she has determined have standards equal to or greater
14 than the standards imposed by the act.

15 Sec. 7. Original sections 69-2427, 69-2430, 69-2433,
16 and 69-2441, Revised Statutes Cumulative Supplement, 2008, are
17 repealed.