

AMENDMENTS TO LB 807

(Amendments to AM2030)

Introduced by Lautenbaugh

1 1. Insert the following new sections:

2 Sec. 2. Section 69-2435, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 69-2435 A permitholder shall continue to meet the
5 requirements of section 69-2433 during the time he or she holds the
6 permit, except as provided in subsection (4) of section 69-2443.

7 If, during such time, a permitholder does not continue to meet one
8 or more of the requirements, the permitholder shall return his
9 or her permit to the Nebraska State Patrol for revocation. If a
10 permitholder does not return his or her permit, the permitholder is
11 subject to having his or her permit revoked under section 69-2439.

12 Sec. 3. Section 69-2436, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 69-2436 (1) A permit to carry a concealed handgun is
15 valid throughout the state for a period of five years after the
16 date of issuance. The fee for issuing a permit is one hundred
17 dollars.

18 (2) The Nebraska State Patrol shall renew a person's
19 permit to carry a concealed handgun for a renewal period of five
20 years, subject to continuing compliance with the requirements of
21 section 69-2433, except as provided in subsection (4) of section
22 69-2443. The renewal fee is fifty dollars, and renewal may be

1 applied for up to four months before expiration of a permit to
2 carry a concealed handgun.

3 (3) The applicant shall submit the fee with the
4 application to the Nebraska State Patrol. The fee shall be remitted
5 to the State Treasurer for credit to the Nebraska State Patrol Cash
6 Fund.

7 (4) On or before June 30, 2007, the Nebraska State
8 Patrol shall journal entry, as necessary, all current fiscal year
9 expenses and revenue, including investment income, from the Public
10 Safety Cash Fund under the Concealed Handgun Permit Act and recode
11 them against the Nebraska State Patrol Cash Fund and its program
12 appropriation.

13 Sec. 4. Section 69-2439, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 69-2439 (1) Any peace officer having probable cause to
16 believe that a permitholder is no longer in compliance with one
17 or more requirements of section 69-2433, except as provided in
18 subsection (4) of section 69-2443, shall bring an application for
19 revocation of the permit to be prosecuted as provided in subsection
20 (2) of this section.

21 (2) It is the duty of the county attorney or his or
22 her deputy of the county in which such permitholder resides
23 to prosecute a case for the revocation of a permit to carry
24 a concealed handgun brought pursuant to subsection (1) of this
25 section. In case the county attorney refuses or is unable to
26 prosecute the case, the duty to prosecute shall be upon the
27 Attorney General or his or her assistant.

1 (3) The case shall be prosecuted as a civil case, and the
2 permit shall be revoked upon a showing by a preponderance of the
3 evidence that the permitholder does not meet one or more of the
4 requirements of section 69-2433.

5 (4) A person who has his or her permit revoked under
6 this section may be fined up to one thousand dollars and shall
7 be charged with the costs of the prosecution. The money collected
8 under this subsection as an administrative fine shall be remitted
9 to the State Treasurer for distribution in accordance with Article
10 VII, section 5, of the Constitution of Nebraska.

11 Sec. 5. Section 69-2443, Reissue Revised Statutes of
12 Nebraska, is amended to read:

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

17 (2) A permitholder who violates subsection (3) of section
18 69-2440 is guilty of a Class I misdemeanor.

19 (3) A permitholder convicted of a violation ~~described in~~
20 ~~subsection (1) or (2) of this section~~ of section 69-2440 or 69-2442
21 may also have his or her permit revoked.

22 (4) A permitholder convicted of a violation of section
23 69-2441 shall not have his or her permit revoked for a first
24 offense but may have his or her permit revoked for any second or
25 subsequent offense.

26 2. Renumber the remaining sections and correct the
27 repealer section accordingly.