

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 138**

Introduced by Lautenbaugh, 18.

Read first time January 07, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Concealed Handgun Permit Act; to amend  
2 section 69-2433, Revised Statutes Cumulative Supplement,  
3 2010; to change application requirements relating to  
4 residency; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 69-2433, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3                   69-2433 An applicant shall:

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

5                   (2) Not be prohibited from purchasing or possessing a  
6 handgun by 18 U.S.C. 922, as such section existed on January 1, 2005;

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

16                   (4) Not have pled guilty to, not have pled nolo  
17 contendere to, or not have been convicted of a felony under the laws  
18 of this state or under the laws of any other jurisdiction;

19                   (5) Not have pled guilty to, not have pled nolo  
20 contendere to, or not have been convicted of a misdemeanor crime of  
21 violence under the laws of this state or under the laws of any other  
22 jurisdiction within the ten years immediately preceding the date of  
23 application;

24                   (6) Not have been found in the previous ten years to be a  
25 mentally ill and dangerous person under the Nebraska Mental Health

1 Commitment Act or a similar law of another jurisdiction or not be  
2 currently adjudged mentally incompetent;

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

8 (b) If an applicant is a member of the United States  
9 Armed Forces, such applicant shall be considered a resident of this  
10 state for purposes of this section after he or she has been stationed  
11 at a military installation in this state pursuant to permanent duty  
12 station orders even though he or she maintains a residence in another  
13 state and claims that residence for voting or tax purposes; or

14 (c) If an applicant is a new Nebraska resident and  
15 possesses a valid permit to carry a concealed handgun issued by his  
16 or her previous state of residence that is recognized by this state  
17 pursuant to section 69-2448, such applicant shall be considered a  
18 resident of this state for purposes of this section;

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

23 (9) Not be on parole, probation, house arrest, or work  
24 release;

25 (10) Be a citizen of the United States; and

1                   (11) Provide proof of training.  
2                   Sec. 2. Original section 69-2433, Revised Statutes  
3 Cumulative Supplement, 2010, is repealed.