

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 565

Introduced by Ashford, 20.

Read first time January 19, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to firearms; to amend sections 28-101 and
2 28-1201, Revised Statutes Cumulative Supplement, 2010; to
3 require notice of firearm storage by a retailer upon sale
4 and require the secure storage of firearms as prescribed;
5 to provide criminal penalties; to harmonize provisions;
6 and to repeal the original sections.

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

1 Section 1. Section 28-101, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 28-101 Sections 28-101 to 28-1356 and sections 3 and 4 of
4 this act shall be known and may be cited as the Nebraska Criminal
5 Code.

6 Sec. 2. Section 28-1201, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 28-1201 For purposes of sections 28-1201 to 28-1212.04
9 and sections 3 and 4 of this act, unless the context otherwise
10 requires:

11 (1) Firearm means any weapon which is designed to or may
12 readily be converted to expel any projectile by the action of an
13 explosive or frame or receiver of any such weapon;

14 (2) Fugitive from justice means any person who has fled
15 or is fleeing from any peace officer to avoid prosecution or
16 incarceration for a felony;

17 (3) Handgun means any firearm with a barrel less than
18 sixteen inches in length or any firearm designed to be held and fired
19 by the use of a single hand;

20 (4) Juvenile means any person under the age of eighteen
21 years;

22 (5) Knife means any dagger, dirk, knife, or stiletto with
23 a blade over three and one-half inches in length or any other
24 dangerous instrument capable of inflicting cutting, stabbing, or
25 tearing wounds;

1 (6) Knuckles and brass or iron knuckles means any
2 instrument that consists of finger rings or guards made of a hard
3 substance and that is designed, made, or adapted for the purpose of
4 inflicting serious bodily injury or death by striking a person with a
5 fist enclosed in the knuckles;

6 (7) Machine gun means any firearm, whatever its size and
7 usual designation, that shoots automatically more than one shot,
8 without manual reloading, by a single function of the trigger;

9 (8) School means a public, private, denominational, or
10 parochial elementary, vocational, or secondary school, a private
11 postsecondary career school as defined in section 85-1603, a
12 community college, a public or private college, a junior college, or
13 a university;

14 (9) Short rifle means a rifle having a barrel less than
15 sixteen inches long or an overall length of less than twenty-six
16 inches; and

17 (10) Short shotgun means a shotgun having a barrel or
18 barrels less than eighteen inches long or an overall length of less
19 than twenty-six inches.

20 Sec. 3. (1) Beginning January 1, 2012, all retail sellers
21 of firearms shall include with each firearm sold a gun lock or
22 trigger lock.

23 (2) Beginning January 1, 2012, all retail sellers of
24 firearms shall post a sign on the premises where firearms are sold
25 and also provide a written notice to purchasers of firearms with the

1 following warning:

2 FOR THE SAFETY OF YOURSELF AND OTHERS,
3 YOU SHOULD STORE ALL FIREARMS, WHEN NOT IN USE,
4 IN A SECURELY LOCKED BOX OR CONTAINER
5 OR LOCK THE FIREARMS WITH A
6 GUN LOCK OR TRIGGER LOCK.

7 Sec. 4. (1) A person commits the offense of improper
8 storage of a firearm if such person stores a loaded firearm, or
9 stores a firearm together with its ammunition, within the reach or
10 easy access of a juvenile and a juvenile obtains the loaded firearm
11 or the firearm and its ammunition and uses the firearm to inflict
12 injury or death upon himself or herself or another person.

13 (2) Improper storage of a firearm is a Class IV felony.

14 (3) This section does not apply:

15 (a) If the firearm was stored or left in a securely
16 locked box or container or in a location in which a reasonable person
17 would have believed the firearm to be secure or the firearm was
18 securely locked with a trigger lock;

19 (b) If the juvenile obtained the firearm as a result of
20 an unlawful entry by any person;

21 (c) To any injury or death resulting from target or sport
22 shooting or a hunting accident; or

23 (d) To a member of the United States Armed Forces or
24 National Guard or reserves or to a law enforcement officer, with
25 respect to firearm possession by a juvenile which occurred during or

1 incidental to the performance of such member's or officer's official
2 duties.

3 Sec. 5. Original sections 28-101 and 28-1201, Revised
4 Statutes Cumulative Supplement, 2010, are repealed.