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Judiciary Committee
February 16, 2011

[LB138 LB516 LB538 LB618 LB622]

The Committee on Judiciary met at 1:30 p.m. on Wednesday, February 16, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB538, LB138, LB622, LB618, and LB516. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Colby Coash; Brenda Council; Burke Harr; Tyson Larson; Scott Lautenbaugh; and Amanda McGill. Senators absent: None.

SENATOR ASHFORD: Good morning or afternoon, everyone. Welcome to the Judiciary Committee hearings for today. We have four bills, is that right?

LaMONT RAINEY: No, that's the Exec.

SENATOR ASHFORD: Oh, that's Exec Session. Where's the bill? We have five bills starting with LB538, Senator Karpisek's bill, and then Senator Lautenbaugh's LB138. So let's start with Senator Karpisek. Russ? Just...those of you who have been here and many of you have and some have not, other than the introducer of the bill, in this case, Senator Karpisek, we have a light system that indicates that...when you get to a point where there's about 30 seconds left or so in your testimony, we ask...the orange light comes up and we ask you to sum up your comments. And the light system is three minutes long, not counting questions that you may be asked. So those of you who are here if you would mind the lights. How many are here on LB538? Okay. Good. Senator Karpisek, go ahead. Welcome.

SENATOR KARPISEK: Thank you, Senator Ashford, members of the Judiciary Committee. For the record, my name is Russ Karpisek, R-u-s-s K-a-r-p-i-s-e-k. I am from Wilber, W-i-l-b-e-r, Nebraska, for those of you who can't spell that correctly. I represent the 32nd Legislative District. I'm here today to introduce LB538. LB538 would clarify that firearms in the possession of law enforcement agencies through a voluntary surrender for which have been taken into custody for safekeeping can be released to the owner without obtaining a court order. This does not apply to firearms that have been seized or used in the commission of a crime. Under current law, when law enforcement agencies have firearms that have a lawful use and are no longer required as evidence, the items can be released or disposed of only on order of the court as the court may deem adequate. The statute says that it applies to these items that are seized or held. That language implies the statute applies regardless of how police obtained the firearm and it extends to firearms that are held because they have been turned over to police voluntarily for safekeeping or which police have just found. For example, firearms may be found by police at the scene of a natural death or suicide but the firearm has no relation to the death. Some attorneys read the law to require a court order to return the firearm to the owner. When criminal charges are filed, the court decides what happens to the guns. But if no charges are filed or even considered, there

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

is inconsistency in how law enforcement agencies throughout the state apply this statute. Some agencies require a court order to return any firearm that is held but hasn't been seized and some do not. LB538 would clarify the procedure to provide consistent implementation of the law by clearly allowing the return of these firearms without having to go to court. I'd be glad to answer any questions, Mr. Chairman. [LB538]

SENATOR ASHFORD: Any questions of Senator Karpisek? Senator Council. [LB538]

SENATOR COUNCIL: Yes, thank you, Chairman Ashford, and thank you, Senator Karpisek. I'm trying to follow. As the law currently stands, if a firearm is seized by law enforcement or otherwise comes in...is confiscated by law enforcement, there is the replevin action that's required. [LB538]

SENATOR KARPISEK: Correct. [LB538]

SENATOR COUNCIL: Now I can understand a situation where someone voluntarily surrenders a weapon and it's deemed not to have been involved in the commission of a crime or be an unlawful weapon in terms of defacement. But I'm trying to in my mind think of other situations where law enforcement is seizing a weapon outside of the context of it being associated with a crime having been committed or about to be committed. I guess I'm just...I don't see where...how many occasions those are and what's the context. [LB538]

SENATOR KARPISEK: Well, and there will be professionals behind me that will know more about it. But I can see in a suicide if maybe it's not by gunshot-inflicted but there's a gun there, I assume they have to seize that weapon. Then it can't be just given back to the family. It has to go through the court order. Finding guns or if maybe they seize a bunch of guns but the person may be found innocent. Again, there are more people behind me that can speak more clearly on it because they do this. But it seems to be a real issue to get your guns back if it wasn't involved in a crime. [LB538]

SENATOR COUNCIL: Okay. Well, I'm going to tell you what my dilemma is. For example, you gave the example of law enforcement finds a weapon. Someone walking down a park path and looks over and finds a weapon, and law enforcement determines that it was recently purchased by Person X or originally registered by Person X. I have a problem in that situation of basically relieving that gun owner from some culpability in terms of securely storing and being responsible for the whereabouts of their weapon. And by virtue of this bill, it wouldn't be any real distinction in that situation because... [LB538]

SENATOR KARPISEK: It wasn't used in a crime. [LB538]

SENATOR COUNCIL: ...it wasn't used in a crime, it wasn't defaced. And I don't know

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

what's meant by, "may have a lawful use." [LB538]

SENATOR KARPISEK: Again, I think we better save those questions for those behind me. But I would be glad to work on any amendments if we could...if we need to do that. [LB538]

SENATOR COUNCIL: Go ahead. Thank you, Senator Karpisek. [LB538]

SENATOR ASHFORD: I think that's it. Are you going to close, Senator Karpisek? [LB538]

SENATOR KARPISEK: Thank you, Senator Ashford. I will stick around. [LB538]

SENATOR ASHFORD: Senator Council reminded me that Sally Gordon is going to be 102 this year, and she tells us this...of course it would be her favorite hearing place to come, the Judiciary Committee. So, as always, thank you for being here, Sally. And everybody be careful and...(applause) Sally is our security system here in the Judiciary Committees. Don't mess with her and everybody be nice to each other. Okay. Yes. [LB538]

TOM MUMGAARD: Good afternoon, Mr. Chairman, members of the committee. My name is Tom Mumgaard, that's M-u-m-g-a-a-r-d. I'm deputy city attorney for the city of Omaha. I'm here on behalf of the city of Omaha and particularly the Omaha Police Department. Senator Karpisek has explained well why this bill has been brought forward. The language in the statute as it is now that says "seized or held," that word "held" is causing us a problem because it seems to include guns that have come into the possession of the police department voluntarily or through some process other than a seizure. Omaha Police Department has a number of firearms that qualify in that category and we basically want to get them back to the person that deserves to have them, but right now it seems that the statute forces that person to go through a court proceeding, typically a replevin action, to get that back, to get a court order, and that costs them money and time. We don't want people to have to go through that process. If they're entitled to the gun back, we want to get it back to them. We surveyed the practices of a number of cities in this state and we found that nobody is following this statute consistently, that there's a wide range of practices. Some people read it very strictly like Omaha does, some people read it very liberally, and some people are in between. So we're just asking that we clarify the statute and get some uniformity so that we all know whether we do or don't have to force people to go to court and get their guns back. I'll answer some of your questions such as typical situations where these guns come are: they get found, they've been stolen, they get recovered through some process. They get taken at the scene of a natural death where the police find that there's a gun collection there and they don't want to just lock it up and walk away but there's nobody to take possession of the guns. Domestic violence situations where they

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

get called, they take the husband away and the wife says, you know, he's got a couple of guns here and if gets out of jail, he's going to come back. Would you take the guns? So basically it's a public safety factor that the police are taking these guns in situations where people want police to have them. But because of the statute and the use of that word "held," the police can't just give them back. This would then allow the police chief to exercise some discretion in giving the people back their guns when they deserve them and when it's appropriate without forcing them to go to court through a replevin action. [LB538]

SENATOR ASHFORD: Thanks, Tom. Any questions? Senator Council. [LB538]

SENATOR COUNCIL: And thank you, Mr. Mumgaard. And I guess that's what I'm having the difficulty with. I appreciate that there's a distinction between a firearm being seized, and if the issue is the fact that the word "held" is used, why don't we just simply eliminate the word "held"? [LB538]

TOM MUMGAARD: Well, you could do that but the statute is written in two kind of categories. Category one, which is evidence or stuff that the police chief can decide how it goes back, and category two is stuff that the court has to decide. Firearms is specifically in category two. So to avoid any confusions as to, well, what do you do with a firearm, we're saying you can keep that word "held," but in category one specifically authorize the police chief in these kinds of situations where it hasn't been seized, it hasn't been defaced, it hasn't been used in a crime, the chief can get it back to the appropriate person. The kinds of guns...I'll tell you the history tells us that, at least in Omaha, these replevin actions are now being filed one or two times a week. They're not contested by the department. We just simply tell the judge: look, we'll give the gun back to whoever you tell us to give the gun back to, but we can't just make that decision on our own because of the statute. In the rare situations where the police department contests this, it would be something like when there's mental health issues or occasionally in the domestic violence situation where we go before the judge and say, hey, Judge, you need to know the facts as to how we came into possession of this gun and then, Judge, you make the decision. But at the moment, it's leading to a lot of costs and problems for people who don't have those situations and we want to get the guns back to them, but the statute kind of handcuffs us by that use of the word "held." [LB538]

SENATOR COUNCIL: And can you help me with what is meant by "and may have a lawful use"? [LB538]

TOM MUMGAARD: Well, right now that language is in the statute and we think that means pretty much every gun. There may be some guns that are prohibited. If they're defaced, they would not. You're correct that that's very broad language. We've just simply kept that because that's what the statute says now. And we have not

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

encountered situations where we would be able to show you what is an unlawful use of a gun. [LB538]

SENATOR COUNCIL: Okay. What... [LB538]

TOM MUMGAARD: I mean, basically any gun that we've come into possession with in some fashion has a lawful use--hunting, self-protection, all those types of things. [LB538]

SENATOR COUNCIL: Okay. Because my question relates to one of the other bills that is before us. And you can point me...and maybe I've overlooked it, but in the section that is being amended by LB538, it doesn't speak to the ability of the owner to possess that weapon. [LB538]

TOM MUMGAARD: That's a completely separate issue and you're right, it doesn't speak to that. If we encountered a situation where the owner did not have the qualifications to possess that, then I would advise the police department that this statute empowers the police chief. Under the language it says that, "it shall be disposed of by the law enforcement agency on such showing as the law enforcement agency may deem adequate." If the agency determines that the person is not qualified to have that gun, then it would take a court order to return the gun and the person would have to go in front of a judge and convince the judge that the gun should come back. [LB538]

SENATOR ASHFORD: Thanks, Tom. [LB538]

TOM MUMGAARD: If there are no questions, thank you. [LB538]

SENATOR ASHFORD: Gary. [LB538]

GARY KRUMLAND: Senator Ashford, members of the committee, my name is Gary Krumland, it's K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities in support of LB538. I want to thank Senator Karpisek for introducing this bill. As you've heard, there is some inconsistent interpretation of this law. And the law now does basically give two options when a law enforcement agency has a firearm. The option for a law enforcement agency to make the decision on their own is under current law to destroy the firearms that have been used in the commission of a crime or if they want to do something else, they have to go to the court. And so that...thank you very much, so that is the concern. There are situations, as you've heard, where we'd like to have a third option where the law enforcement agency can make a determination that's appropriate just to return the firearm to the owner without having to go through court. And I think this would clear up the interpretation. [LB538]

SENATOR ASHFORD: Thanks, Gary. Any questions of Gary? Seeing none, thanks.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

Other proponents? Amy. [LB538]

AMY MILLER: (Exhibit 1) Good afternoon. My name is Amy Miller, that's A-m-y M-i-l-l-e-r. I'm with ACLU Nebraska. And the fact that I'm here to testify today on behalf of LB538 in support of it along with police and municipalities may mean that indeed pigs will fly later today. But this is a core constitutional issue. When the government... [LB538]

SENATOR ASHFORD: Amazing things happen in the Judiciary Committee, Amy. [LB538]

AMY MILLER: And I'm here to demonstrate in part the ACLU is truly nonpartisan and we protect all of the rights under the Bill of Rights. This is both a Second Amendment issue, a due process issue because these are guns that are being taken without a receipt in many of the cases that my office has handled. They're usually taken without any process by which they can contest the continued holding of the guns, and it's a property rights issue. So this involves several different constitutional rights. My office at least two or three times a year for the last two or three years has engaged with law enforcement agencies all across the state--this is not an issue that's limited to one county or one part of the state--for Nebraskans who have voluntarily turned over their gun. Most common example we've seen, Senator Council, is a domestic violence dispute whereas the parties separate for the night, maybe him to go to his mother's house, her to stay in the home. The gun owner turns over the guns. But as quoted in our testimony, what we hear then from people is after things have cooled down, there's no criminal charges pending, the couple has been restored to marital harmony, what we hear is like the first inset paragraph: They didn't give me a receipt. Since then, it's been months and I've asked for my guns back multiple times to no avail. I have no criminal record. I'm a legal resident. No charges were filed against me or my wife in relation to the fight we just had. The only time I've gotten a call back to my requests for my property, I was just told it's policy not to give them back. So we are talking about a current hole in the law that requires the property owner to go to court, incur time and expense to receive their lawful property back. We believe that simply is unfair under the constitution, and so we support LB538. [LB538]

SENATOR ASHFORD: Very good. Thank you, Amy. Yes, Senator Council. [LB538]

SENATOR COUNCIL: And thank you, Ms. Miller. Is there any way to address this issue by making provision for how you handle firearms that have been voluntarily surrendered? [LB538]

AMY MILLER: Yes. We're neutral as to the mechanism to get property back to the owners. I'll be testifying in favor of Senator Lautenbaugh's bill as well on this same issue because we are neutral as to the mechanism. So it doesn't necessarily have to take this

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

exact format. But if it was clear that... [LB538]

SENATOR ASHFORD: I'm sorry. No, this is a wonderful country. Thank you. Go ahead. (Laughter) [LB538]

SENATOR LAUTENBAUGH: Could you call the trial attorneys, too, and make a day out of it? I mean... [LB538]

SENATOR LATHROP: We're just surprised Lautenbaugh's on the right side of the constitution. [LB538]

SENATOR ASHFORD: Yeah. I bet you all didn't think you were...nevermind. (Laughter) Miracles, you're a witness to miracles. [LB538]

AMY MILLER: I could just only say thank you for poking fun at Senator Lautenbaugh and not myself. We don't mind what the mechanism is. We just know that right now law enforcement mistakenly believe they can continue to indefinitely hold property or destroy property without a court order. So the current practice is on its head of what it should be. But if there is an amendment that comes out of this that sets up a different mechanism, we simply want to see the result of...whether you find guns controversial or not, they are legally owned property that needs to go back to the owner when there's no crime being investigated. [LB538]

SENATOR COUNCIL: Okay. Well, I'm going to tell you one of my concerns is gun-owner responsibility. And I have a serious concern, for example, if a gun is found. We don't impose any penalty for gun owners who don't report their weapons lost or stolen, yet we have a provision that says if law enforcement finds it, then they're under a duty to just return it without there being any mechanism for holding that gun owner responsible for properly and appropriately securing that weapon. And that's the concern...believe me, I appreciate the due process and the property rights, but I don't think you can put everything in the same silo. And I just don't know what the best way to delineate those circumstances. And that's why...and then, again, I asked the question about "may have a lawful use." Mr. Mumgaard did address the fact that the law as it currently stands gives law enforcement some discretion in those instances. And I would assume that the ACLU would not be objecting if a police chief decided to destroy a weapon that had been found and the lawful owner is someone who's prohibited by statute from possessing a weapon. [LB538]

AMY MILLER: I think that's absolutely right. And although most of my civil liberties work does not fall under the Second Amendment, my dim awareness of the case law says that if the Nebraska Legislature wanted to pass some laws along the line, you're talking to require trigger guards or to require reports when guns are stolen, the U.S. Supreme Court has been pretty clear that those set of limitations do not violate the Second

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

Amendment. Those are appropriate licensing laws. So that seems like something that another day, then another bill to bring those sort of requirements. In the meantime, what we're seeing are people who have their stuff taken and held indefinitely and then possibly sold to the benefit of the government, which just seems wrong. Once you stop talking about it as a gun and just a piece of property, I think it becomes more clear that that's just not right. [LB538]

SENATOR COUNCIL: Thank you. [LB538]

SENATOR ASHFORD: Thank you, Amy. Any other proponents? Opponents? [LB538]

ANDY ALLEN: (Exhibit 2) I'm Andy Allen, last name is A-I-I-e-n, from Omaha, Nebraska, and I'm the president of the Nebraska Firearms Owners Association. Our members have one major problem with this bill and it comes down to confusion. Right now the wording of this bill does not address the issues because how we handle things is split into two different sections of the law, and this works a little bit on the other side, on one side but it's not reflected over in the other side of our statutes and it just creates more confusion. It doesn't go towards fixing any problems. Our members have also taken and voiced an opinion that they feel that anything that deals with what to do with confiscated firearms...and as Senator Council says, there are people that firearms shouldn't be returned to. There's firearms that shouldn't go back to particular people. Right now our policy is generally that those firearms get destroyed. We're destroying thousands of firearms a year here in the state of Nebraska that are on themselves completely legal firearms that have value. Any other personal property that cannot be returned to people for whatever reason the state sells and that money goes to the treasury or to the city's treasury. So we're spending thousands of dollars to actually destroy a possible income source. And while our cities and the state and so forth are trying to find ways of balancing their budgets, it might be something to look at as a way to return those firearms to being able to be in lawful use. [LB538]

SENATOR ASHFORD: Thanks, Andy. Any questions of Andy? Seeing none, thanks, Andy. Other opponents? Neutral? Senator Karpisek. [LB538]

SENATOR KARPISEK: Thank you, Senator Ashford, members of the committee. Again, I think that it does make it very difficult for the weapons to be returned if they are not involved in a crime. I do understand Senator Council's point about if someone hasn't been watchful enough with their weapon that it can just...it's just found somewhere, and then it just goes right back to them because who...that it's not good just to have your gun out laying around and found. Now I don't know if that means that it might have been in a robbery. Someone might have come into your house and taken it and it got ditched. I don't know. But, again, I would be more than happy to work with Senator Council and try to figure something out there. Of course she is a lot more up to this law than I am not being a lawyer. (Laugh) But I'd be glad to work with any of the committee. [LB538]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR COUNCIL: What did Amy say? It's kind of like that pigs flying thing. [LB538]

SENATOR KARPISEK: Thank you. I'm glad that I could bring those two sides together first. [LB538]

SENATOR ASHFORD: Okay, Senator Karpisek. Thanks. [LB538]

SENATOR KARPISEK: Thank you. [LB538]

SENATOR ASHFORD: Okay. Senator Lautenbaugh. LB138. [LB538]

SENATOR LAUTENBAUGH: Thank you, Mr. President...I'm sorry, Mr. Chairman, members of the body, members of the committee. I don't know where I am right now apparently. This is a very simple bill. My name is Scott Lautenbaugh, the senator from District 18. Every year we seem to have adjustments and tweaks to concealed carry. This is another one of those basically saying that if an applicant is a new Nebraska resident and has a valid concealed carry permit from a previous state with which we have reciprocity, then they don't have to do the waiting period to get a permit here. You're considered to be a resident of the state for purposes of this section. That's all it does. I'd be happy to answer any questions. [LB138]

SENATOR ASHFORD: Senator Council. [LB138]

SENATOR COUNCIL: Yes, thank you, Chairman Ashford, and thank you, Senator Lautenbaugh. My question was, under existing statute you have to be a resident for 180 days to apply for a carry conceal weapons permit, correct? [LB138]

SENATOR LAUTENBAUGH: Yes. [LB138]

SENATOR COUNCIL: And under the current law, it specifically provides that if you're a resident who...if you're an applicant who maintains a residence somewhere else for voting and tax purposes that you're not a resident. Your amendment assumes that anybody who has a carry conceal permit from another state and says that they're now a resident of Nebraska doesn't have to meet these other requirements in terms of not maintaining a residence for voting and tax purposes somewhere else. Was that your intent or should this...should that same requirement apply to someone...because what we're doing is we're almost creating a special class for people with a carry conceal permit. Now I understand your reason. If you've met the requirements for a carry conceal permit, you know, you should...and you want to apply for one in Nebraska you should be...not have to wait 180 days, but does that apply regardless of whether you've kept your residence for voting and tax purposes somewhere else? [LB138]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR LAUTENBAUGH: My answer to that would be no. As written that was not my intent because I wanted these to be actual new residents in the state of Nebraska with voting and all the other indicia of residency as well. Now you may hear someone come up as a proponent or neutral or even opponent saying we should do something like this for military spouses; even though they may vote elsewhere, they're here. [LB138]

SENATOR COUNCIL: I don't have a problem with military spouses. [LB138]

SENATOR LAUTENBAUGH: So, I mean, that's more of the issue that you're getting at a more likely scenario, and that wasn't what this was designed to do, but I could see that coming with an amendment perhaps. [LB138]

SENATOR COUNCIL: Okay. Thank you. [LB138]

SENATOR ASHFORD: Yes, Senator Coash. [LB138]

SENATOR COASH: Thank you, Chairman Ashford. Senator Lautenbaugh, is there any requirement either in this bill or within other statutes that require somebody who's moving in to prove their residence? Is that part of the application process? [LB138]

SENATOR LAUTENBAUGH: Well, I think and you're asking a question I hadn't anticipated, I'll be honest. I don't know the answer to that, what we're currently requiring. I'm hoping... [LB138]

SENATOR COASH: I mean, if I move into...if I'm from Iowa, I move here, is my word taken, yeah, now I live in Nebraska or is there some type of proof requirement that I'm supposed to show that allows me to now have a permit? [LB138]

SENATOR LAUTENBAUGH: While I have a sneaking suspicion that one of the guys coming behind me may know the answer to that, I don't know the answer to that. [LB138]

SENATOR COASH: No problem. Thank you. [LB138]

SENATOR ASHFORD: Thank you, Senator Lautenbaugh. Proponents on LB138. How many proponents do we have here? Okay. Welcome back. [LB138]

WESLEY DICKINSON: Thank you, Senators. For the record, my name is Wesley, W-e-s-l-e-y, Dickinson, D-i-c-k-i-n-s-o-n, and I support this LB138 bill because it applies to me. As we talked last time I was here, I moved from Colorado, and while I was living in Colorado, I was traveling here nearly every other weekend to visit my fiance. And I was very happy in '09 when LB430 was passed which recognized my Colorado conceal carry permit and allowed me to carry a concealed firearm legally in Nebraska. And then

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

I moved here and I began changing all of my licenses over. I went and I changed my driver's license over and paid the fee to the state of Nebraska. I changed my vehicle registration over and paid the taxes on that. I changed my voter registration. And then I got ready to change my concealed carry permit license over and was told that even after complying with the required classes and the qualification requirements I had to wait 180 days. And that surprised me because I was Nebraska enough to pay fees and taxes and change my voter registration over but not to carry a firearm, which the state of Nebraska trusted me when I was a Colorado resident to do that, but as soon as I became a Nebraska resident, I...I almost felt penalized as a new resident coming into the state. And then to answer Senator Coash's question that you posed, yes. On the application, you actually need a Nebraska driver's license because the State Patrol ties concealed carry permits to driver's licenses for them. [LB138]

SENATOR ASHFORD: Interesting. Does your Colorado permit expire when you move to Nebraska or how does that work? [LB138]

WESLEY DICKINSON: Colorado does not. It varies from state to state. Some states allow nonresident permits, like Utah does and Florida does, other states like Nebraska, we don't allow nonresident permits, which makes sense if that's what we want to do. [LB138]

SENATOR ASHFORD: I mean, you have to get a Nebraska permit, but would your Colorado permit allow... [LB138]

WESLEY DICKINSON: My Colorado permit is invalid in Nebraska when I'm a Nebraska resident. But if I travel to another state where Colorado is recognized... [LB138]

SENATOR ASHFORD: Okay. I see. [LB138]

WESLEY DICKINSON: ...it's up to that state whether or not they allow a nonresident. In Colorado, if I travel to Colorado with a Utah permit as a Nebraska resident, they say, no, you need to be from the state that it's issued, but that's a state-by-state issue that each Legislature tackles. [LB138]

SENATOR ASHFORD: Okay. Good. Thanks. I think I got it. [LB138]

WESLEY DICKINSON: Thank you. [LB138]

SENATOR ASHFORD: Next proponent. [LB138]

ANDY ALLEN: (Exhibit 3) Andy Allen, A-I-I-e-n, from Omaha, president of the Nebraska Firearms Owners Association. I'm going to try and skip through and make this go fast. A big part of what I've got to say, it's two areas. First of all, I have a friend that is a security

guard at government office buildings that works in Omaha and Council Bluffs, back and forth. A young couple, his wife was pregnant so they decided it's time to move out of having a house...or out of an apartment and buy a house. They started looking, of course, Council Bluffs and the Omaha market area. This gentleman found out that if he was to move from Council Bluffs to Omaha, the permit that's required for him to be able to do his job, a permit to carry, as soon as he left...moved out of Omaha (sic), changed his residency to Nebraska, that would have been invalid. So...and then he would have had to have waited 180 days to get one from Nebraska which Iowa would recognize for him to be able to do his job, which means it would have cost him his job so then he wouldn't have been able to buy a house anyway. So he ended up having to stay in Council Bluffs. I'd see this as a possible hampering economic development. We want to encourage people to move to Nebraska, not to stay away. I'm also going to discuss the issue of military spouses directly on what I'm going to say on it. In LB430 a couple of years ago, we added the exception for service members. This was directly put into comply with the federal law known as the Servicemembers Civil Rights Relief Act that was passed in 2007, so we did our amendment in 2009. After we did that in 2009, the federal government came back again and now did the Military Spouses Residency Relief Act, which said that military spouses should have all the same rights as military people. So we've got a member that's a military spouse, had an issue with it this year. They ended up working with JAG who worked with the State Patrol and the Attorney General's Office who came to the final conclusion, well, you're not a Nebraska resident for voting or tax purposes, so you're not a Nebraska resident for this. And they wrote her up a letter saying this person isn't a Nebraska resident so they can carry with another state's permit. But somebody that don't have another state's permit, they wouldn't have had that ability. [LB138]

SENATOR ASHFORD: Interesting situation. Yes, Senator Council. [LB138]

SENATOR COUNCIL: Yes, thank you. And thank you, again, Andy. And I guess that's what gets to the question because I was trying to follow Mr. Dickinson's situation because the amendment says that if you have a carry conceal handgun permit issued by your previous state of residence that is recognized by this state pursuant to Section 69-2448. So what is it that's recognized? Isn't it your ability to carry that weapon concealed in Nebraska if you're carrying it pursuant to a permit issued in another state that the State Patrol or whomever has deemed to meet the standards for a permit issued in Nebraska? [LB138]

ANDY ALLEN: At the point that that permit would be recognized for an out-of-state permit, yes. For somebody that...but Nebraska law requires anybody that takes residency in Nebraska, that as soon as you have residency in Nebraska, Nebraska will no longer recognize an out-of-state permit for you. [LB138]

SENATOR COUNCIL: Okay. And currently that's six months. So for the six months that

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Transcriber's Office

Judiciary Committee
February 16, 2011

you are yet to be a Nebraska resident, your out-of-state permit should be recognized if it meets the standards. [LB138]

ANDY ALLEN: In the current statute you wouldn't because you're a Nebraska resident at day one. You're waiting out that six months as a Nebraska resident. Once you change where you're voting and paying your taxes, you become a resident of that state, not the previous one. So like in the example of this person from Iowa, he was...as soon as he'd have moved to Omaha and got his first utility bill and went down and got a Nebraska driver's license and registered to vote in Omaha, he would have been a Nebraska citizen. But for that 180 days, he'd be barred from being able to exercise all the rights of a Nebraska citizen. The idea is just to plug that hole. [LB138]

SENATOR COUNCIL: I think it's become more complicated than it was in the beginning. Thank you, Andy. [LB138]

SENATOR ASHFORD: Thanks, Andy. Any other proponents? Opponents? Neutral? Senator Lautenbaugh. And then you've got the next bill as well. [LB138]

SENATOR LAUTENBAUGH: Yes, I do. Thank you, Mr. Chairman and members of the committee. Again, I don't own a gun, which may be surprising considering the unusual amount of time I spend before you talking about guns and the rights. And there are people who have conceal carry just because they want to carry a gun. I'm not one of those people. There are people who have a conceal carry permit because they're particularly threatened by someone in some way and they want to protect themselves. And it's easy at first blush for me as a nongun owner to sit here and say, what's the big deal with six months? Well, if you're one of those people who feels the need to be protected and you aren't going to have law enforcement with you at all times, six months is a long time to live in fear. So that's why I brought this bill. I hope you'll look favorably upon it. I'm open-minded regarding maybe trying to address the nonresident military spouse issue as well, but I had not a thought of that. That had not been brought to me until today so I really didn't have any coherent thoughts, as is obvious right now, on that topic. [LB138]

SENATOR ASHFORD: That's fair enough. (See also Exhibit 10) Do you want to go ahead and do LB622? [LB138]

SENATOR LAUTENBAUGH: Sure, sure. LB622, this is actually based upon a personal experience that...well, the experience of a client that I had come up. And there was a gentleman who was shooting with an air rifle behind my church, shooting rabbits down in the culvert. And I may have told this story to the committee before in a different context. I think I told it on the floor last year. And he was ticketed under an ordinance that deems that a discharge of a dangerous weapon or something like that and the gun was confiscated, the air rifle was confiscated. I pled him to disturbing the peace or

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

something trivial like that and he paid a small fine. And I asked the judge and I asked the prosecutor, may we have the gun back? And the response was, yes, but you're not going to get it. We'll sign an order, we'll sign a release, we'll do what you want, but you're not going to get that air rifle back. I followed up with the police department because my guy was leaving the jurisdiction after this, not because of this but he was moving on just the same, and I was told, no, you don't get the gun back. We need an order in replevin, a separate civil lawsuit to get this air rifle back that he had just purchased at Walmart for \$100 the week before or whatever it was. Now last year on the floor we had a bill we debated where we thought we had an understanding from a year or two prior about concealed carry and whether Omaha's registration would apply and we had to come back last year and take it, another bite at the apple and make it clear that we meant what we said the first time around. And when we were discussing that, I talked about this scenario too. And I said, look, there seems to be a policy that we don't give guns back regardless, we just don't without a separate replevin action. And not all of us practice in this area. I haven't done a replevin in years. But then you go file a lawsuit. You pay your \$80, \$90 filing fee. If you're not someone who wants to do this pro se or feels able to do this pro se, you have to go hire an attorney which is going to be, you know, \$1,000, whatever, just to get in the door probably for something like this, and you have to have at least one, maybe two, sometimes more hearings on a replevin action. It is not a simple process and it's not a cheap process. And I think it's unconscionable in some circumstances to expect citizens to bear this cost to recover a firearm that often is not worth the cost of the replevin. So I...this may be something that works hand-in-hand with Senator Karpisek's bill and I'd be happy to do that, but I think...and I heard today that the approach or the attitude now is that the city wants to give the guns back, the police always wanted to do that, they just need a mechanism. Well, I want to make sure that that desire is constant and ongoing in returning the guns back to people who have a right to them. So my bill was designed to allow the recovery of attorney's fees if you have to retain an attorney to go get your gun. It also provides for \$1,000 in damages and whatever other damages you may suffer. But I did this and I want there to be teeth in it because I wanted this to stop. If there's no legal reason to hold the guns, they should be returned. And that's what moved me to bring this bill.
[LB622]

SENATOR ASHFORD: Seems very logical. Any questions of Senator Lautenbaugh?
Senator Council. [LB622]

SENATOR COUNCIL: Yes, and it kind of gets to the situation that you were involved with. Statutorily the individual you knew had violated a city ordinance about discharging a weapon in the city limits. You were able to plead it down to a disturbing the peace. And my concern is looking at the bill as it stands it says that you can have the weapon returned if you're acquitted of specific charges. And I'm not sure what we would determine to be acquitted. If you pled the charge down to something other than that, then technically you haven't been charged with it. But it may not be a case where you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

did not commit that offense, it's just that's not what you're being convicted of. And I'm particularly concerned when we're talking about unlawful possession of a firearm in a school being one of those circumstances where with skilled legal counsel, apparently such as yourself, could get that pled down to some category of offense that doesn't fall within that. Then we are imposing a responsibility on...I mean, if law enforcement decides it's not in the best interests of public safety for that person to have that weapon returned and they really want it badly enough and they go...and they could prevail because they were not convicted of...you know, we'd be imposing those costs and returning a firearm to somebody who conceivably is not responsible. [LB622]

SENATOR LAUTENBAUGH: I guess my response to that would be the person in my scenario was not prohibited from going out and purchasing a new gun. And I think the person in your scenario would not be prohibited, generally all other things being equal, from going out and purchasing a new gun. And if that's the case, the withholding of this gun just seems like an extra little gotcha after the thing is over. I mean, if we are saying this person is such a threat that they can't have old guns, they only have to have new guns, that doesn't make sense to me. If they could still own a firearm, we should be returning the ones they previously owned. I mean, this works as some sort of a forfeiture or additional unspoken penalty almost, and I think that's what's brought my traditional allies, the ACLU, in on this today because, you know, there's a problem here. [LB622]

SENATOR COUNCIL: Thank you. [LB622]

SENATOR ASHFORD: Thank you, Senator Lautenbaugh. Proponents. Why don't we have Amy and then Andy and... [LB622]

AMY MILLER: (Exhibit 4) My name is Amy Miller, it's A-m-y M-i-l-l-e-r. Second verse same as the first. We believe that there needs to be a clear mechanism in the law to allow seized property to be returned to the owners. For that reason, again, we're remaining neutral on whether or not the mechanism proposed by Senator Lautenbaugh, the mechanism proposed by Senator Karpisek is more appropriate. But I would echo his concern about making sure that although some of the municipalities are indicating they have a desire to return the weapons, that does not necessarily seem to be my experience in working on behalf of people who have had guns taken uniformly across the state. And I would suggest that these attorney fees and automatic damages is a good way to make sure that the teeth remain in this. Of course the gun owner could have a civil rights 1983 lawsuit and seek damages for an unlawful taking, but I believe this is the better and more appropriate way to solve the problem that we have seen throughout the state. [LB622]

SENATOR ASHFORD: Yes, it would seem to me that we've got enough going on in the courts that we could figure out a way to get the guns back somehow to these people

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

(laugh) without... [LB622]

AMY MILLER: It does seem like it. [LB622]

SENATOR ASHFORD: Okay. Thanks, Amy. Any questions of Amy? Thank you. Andy, do you want to... [LB622]

ANDY ALLEN: (Exhibit 5) Andy Allen, A-I-I-e-n, Omaha, Nebraska, president of the Nebraska Firearms Owners Association. This bill addresses a whole lot of the issues that our members had with LB538, primarily in the fact that it addresses both sections of the statutes that deal with what you do with confiscated firearms. That means that it puts it into a thing where there's no longer a, well, do we do this what it says over here or do we do what it says over here type question. I have also got a member...actually I've got two members that have related stories, and this can maybe show a little bit of the confusion that there is. One of them is not on my paper, so I'll start with the one that is. I've got a member that had to go to court three times in Omaha before he was able to get his confiscated firearms back. The first time, the judge ruled: yeah, you're supposed to get your firearm back. He got a copy of the court order; went to the Omaha Police Department; they took a copy of his court order and he waited 30 days, contacting them, and they finally said: no we're not giving it back. So he had to go back to court again and got the same judge. The judge said: What? I made an order on this, now they're in contempt of court. Finally, on the third time, the judge ordered the city to bring the firearm to his courtroom where he oversaw the firearm being returned to the person. But to show the confusion that there is in this: in Omaha, I've got a good friend of mine who's going through a divorce. His current ex-wife was having an emotional situation. Police were sent out to his house to just do a health and wellness check. The couple let the police officer know that there was a handgun in the house. The person voluntarily turned over the handgun to the police officer to put it in safe storage while this woman was moving out of the house. Of course, it went into the police lockup. After he was able to show that, you know, his wife or ex-wife, soon-to-be ex-wife, was moved out of the house, he got a letter from the police officer stating, hey, we're releasing...that we can release this firearm. He took it down to the gun unit and they returned his firearm to him. There was no need for a court order. So, you know, even with...inside the one police department there's confusion on what to do and we need to clear that up. [LB622]

SENATOR ASHFORD: Any questions of Andy? Seeing none, thanks, Andy. Other proponents. [LB622]

BUD CALLAHAN: Bud Callahan, C-a-I-I-a-h-a-n. I'm a proponent of LB622. However, on page 7, line 24... [LB622]

SENATOR ASHFORD: You're from...am I remembering correctly you're from

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Transcriber's Office

Judiciary Committee
February 16, 2011

Hartington, aren't you? [LB622]

BUD CALLAHAN: Pardon? [LB622]

SENATOR ASHFORD: Where are you from? Hartington? [LB622]

BUD CALLAHAN: Pleasant Dale. [LB622]

SENATOR ASHFORD: Okay. [LB622]

BUD CALLAHAN: That's right. [LB622]

SENATOR ASHFORD: I thought I had it right. It's close. [LB622]

BUD CALLAHAN: Oh, yeah. We know each other. Where it says, "sold at auction," current statute provides that all items turned over to the Highway Patrol be sold at public auction through the surplus property division at 5001 South 14th here in Lincoln through the DAS, the Department of Administrative Services. Now if in the case of Omaha or Lincoln or whatever that would have the pool of guns, they could be moved to that location, they have locking cases and so on, on display, but the Catch-22 is, is guns are not permitted in state buildings. So there would...at the discretion of DAS that there...that it be allowed that those guns be sold out there according to state laws, which means that you have to have a handgun permit and not be too woolly and frumpy looking to purchase one of these. And so if that can be added to one of these, it would be a vehicle. And for...as far as Senator Council is concerned, if there is something that is found alongside the pathway, that item, too, could be included in this. And if Omaha or Lincoln, whomever, would want the proceeds to that, that is easy to feed them back through. So we need to go to the state's treasury or back to the city that tenders the guns. That way they don't have the pool of guns or what to do with them. But something would need to be allowed for the state to have those on site. Easy to control. [LB622]

SENATOR ASHFORD: Thank you, Bud. Any questions of Bud? Okay. Thanks. Seeing none. Any other proponents? Opponents? Tom. [LB622]

TOM MUMGAARD: Good afternoon. My name is Tom Mumgaard, that's M-u-m-g-a-a-r-d, deputy city attorney from the city of Omaha. I'm here on behalf of the city of Omaha. First off, I'll say that we are in favor of solving the problem that was described by Senator Lautenbaugh. We just think LB538 is the better option. And particularly the part of LB622 that bothers us is the provision that can be read as a mandatory imposition of court costs and damages that we take the position that if there is a good reason to put in front of a judge the question of who should get the gun back, then there should be no penalty imposed for presenting that to the judge. Whether the gun should go back and whether there should be any damages and costs should be

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

assessed, should be left to the discretion of the judge and not mandated by law. For example, if there's issues about gang memberships, if there's issues about mental health, if there's issues about domestic violence, those are more appropriately decided by the judge, and the judge can decide whether there is something improper about the confiscation or the holding of the gun. Imposing damages of at least \$1,000 is somewhat punitive if there's plenty of legal mechanisms available for a person to get damages if damages can be proven and there's really no need to insert it on a bill such as this. Yes, we want to get...have a mechanism so that everybody knows how to get guns back to the lawful owner in the appropriate circumstance. LB538 is the answer. I'd answer any of your questions. [LB622]

SENATOR ASHFORD: Don't see any questions, Tom. Thanks. Any other opponents? Neutral? Senator Lautenbaugh. [LB622]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman and members of the committee. Again, and I will say even though that I did actually author this one, there's not pride in authorship. I'm willing to work on some of the kinks and see if we can't somehow make this consistent with Senator Karpisek's bill as well. I do have a problem though again with the city's position on this, which is you may have to come in and prove that you're not something. There's almost a presumption that, well, we can hold it and if we can articulate a decent reason, even if it's found to be not correct, that puts an incredible burden and expense on the individual, and I just have a real problem with that which is one of the reasons that I'm sitting here before you today. [LB622]

SENATOR ASHFORD: I think it's a good point. Thanks, Senator Lautenbaugh. Senator Harr is next, LB618. Let me ask, how many do we have here on LB618? How many people would like to...? Okay. Senator Harr. [LB622]

SENATOR HARR: Thank you, Senator Lathrop, and fellow members of Judiciary. I am here on LB618. [LB618]

SENATOR ASHFORD: It never ends. I mean, it's just a constant. Go ahead, Senator Harr. [LB618]

SENATOR HARR: You are the dean. You let me know. [LB618]

SENATOR ASHFORD: Nothing. Go ahead. (Laughter) [LB618]

SENATOR HARR: I'm here on LB618... [LB618]

SENATOR ASHFORD: There are comments, Senator Harr. Go ahead. [LB618]

SENATOR HARR: Thank you. [LB618]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR LARSON: Are you sure you're ready? [LB618]

SENATOR HARR: I am here on LB618 which is a very simple bill. This bill allows off-duty police officers and law enforcement to carry a gun to school events if contracted by the school district itself. Anytime you use the word "gun," you are going to get a lot of attention. So I was very careful in this bill and I vetted it with a number of school districts before introducing this bill. And while some will be coming to speak after me, some school districts, I know for a fact Omaha Public Schools, Millard Public Schools, Lincoln Public Schools are all on board with this bill. I did not call all 253 school districts, but I did call several of them. I do have some amendments which I passed around, and what that does is just quickly is it allows...well, I changed definition from school to school districts, and the reason for that is so that we can allow for private schools to be involved with this too. And also I struck the language regarding school event control services just to make sure we're in compliance with the Gun Free School Act of 1996. With that, I will take any questions. [LB618]

SENATOR ASHFORD: Any questions of Senator Harr? Yes, Senator Lautenbaugh. [LB618]

SENATOR LAUTENBAUGH: Thank you, Chairman Ashford. And thank you for bringing this bill, Senator Harr. I didn't know this wasn't allowed until we spoke today as a matter of fact. Are there federal issues with any of this regarding gun-free zones and whatnot? [LB618]

SENATOR HARR: And the reason...if you read...and I have it here, it is 18 USC 922, if you read that, the reason is because they are sworn law enforcement officers and they receive extra training as required under...and that's part of the reason I went with police officers is because they're trained in firearms. They have to go through yearly inspections as per 81-1412. [LB618]

SENATOR LAUTENBAUGH: Okay. Great. [LB618]

SENATOR HARR: And it is an option in. Currently under the statute as I believe it is, SRO, or school resource officers, if you're an on-duty officer, you can carry a gun on campus. The issue is if you're off duty it is prohibited. You can still wear your uniform but you can't carry a gun, and this would allow that. [LB618]

SENATOR LAUTENBAUGH: Thank you. [LB618]

SENATOR LATHROP: Very good. Any other questions for Senator Harr? I see none. Oh, I'm sorry. Senator Council. [LB618]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR COUNCIL: No, not a question. I'm just...thank you, Senator Harr. As a cosponsor of the measure, I certainly understand and appreciate and support the amendment to make it clear that it's by school. [LB618]

SENATOR HARR: Thank you, Senator Council. [LB618]

SENATOR LATHROP: All right. Those in favor of LB618. We'll take the first proponent. You may step forward. If you're waiting to testify on this bill, you can come up to the first row so we can kind of keep things moving along today. Thanks. Welcome. [LB618]

BRIAN HALE: Senator Lathrop and members of the committee, my name is Brian Hale, H-a-l-e, representing the Nebraska Association of School Boards. And while I also have not surveyed all 253 school districts, I do know that security issues are even more over the last few months at the top of everybody's minds when it comes to school events. Certainly the issue in Florida where a gunman came after the school board has raised questions in a lot of people's minds about what might prevent that from happening. And certainly I don't see this as being an absolute prevention. Certainly people who are bent on creating havoc can find ways to do that. But this certainly gives some opportunity to minimize the sort of damage that can happen just as has happened in Florida. So we are very much in favor of the fact that having a responsible uniformed officer who is able to handle his weaponry and secure that weaponry when they're in there is a very important part of our support for this. So without going a lot further in-depth, I'd be happy to take any questions. [LB618]

SENATOR LATHROP: Thank you, Mr. Hale. Any questions? I see none. Thanks for your input. Next proponent. [LB618]

BILL KUEHN: Thank you. My name is Bill Kuehn, K-u-e-h-n. I'm the director of security for Lincoln Public Schools. I'm here in representing the Lincoln Public Schools. We're totally in agreement with this bill. We favor this bill. This allows us to bring on or contract with as a school district with the off-duty law enforcement officers, sworn law enforcement officers, for security events such as athletic events, dances, proms, school board meetings, etcetera. We feel this is extremely important to have that security presence there and have somebody there that is trained to respond to an emergency if so needed. In most cases an on-duty officer may not be there and this gives us the latitude to have an off-duty law enforcement officer at that particular event. Currently, as was mentioned earlier, only on-duty law enforcement officers can have a gun on school property as well as a few other categories such as military, on-duty military active or reserve component, instructional purposes if they're with an adult supervision in the school, or university rifle teams, or in some cases the natural resource officers in a duty status. So this bill definitely...we definitely favor. This gives us the latitude to have that off-duty law enforcement officer directly at that particular event. I welcome your questions. [LB618]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR LATHROP: Very good. Thank you. Any questions? I see none. You must have made it very clear. Right now, is it true that if you have a resource officer there that's a Lincoln police officer, he can carry a weapon? It's just if they're contracted to be there, like for example a basketball game, they can't bring a gun and this would allow them to do that? [LB618]

BILL KUEHN: That is correct. [LB618]

SENATOR LATHROP: Okay. Very good. I understand. Next proponent. [LB618]

JORDAN AUSTIN: Good afternoon, Mr. Chairman, members of the committee. My name is Jordan Austin, A-u-s-t-i-n. I'm from Fairfax, Virginia, here speaking on behalf of the National Rifle Association, and we wanted to come today and speak in favor of LB618. The concept has been explained before. It's very straightforward and simple. And we just want to come out and publicly express our support for this bill and do what we can to help the process and help the bill along. [LB618]

SENATOR LATHROP: Okay. Any questions? Senator Lautenbaugh. [LB618]

SENATOR LAUTENBAUGH: You may be the wrong person to ask but I was afraid some of the last questioning may have left a misimpression. Do I understand right that if the officer is on duty and at the school he may carry a gun but if he's not on duty, even if he's in uniform, he still may not carry a gun? [LB618]

JORDAN AUSTIN: That's my understanding, yes. I think if you specifically at the language, the existing language says, officers duly authorized on duty. So this would allow for off-duty officers contracted, I believe that's my understanding. [LB618]

SENATOR LAUTENBAUGH: I didn't mean to put you on the spot, but I just wanted to follow up quickly, so thank you. [LB618]

JORDAN AUSTIN: That's okay. [LB618]

SENATOR LATHROP: Seeing no other questions, thank you. [LB618]

JORDAN AUSTIN: Thank you. [LB618]

SENATOR LATHROP: Next proponent of LB618. [LB618]

ANDY ALLEN: (Exhibit 6) Andy Allen, A-l-l-e-n, Omaha, Nebraska, president of Nebraska Firearms Owners Association. We just wanted to step forward and say that we support this bill, especially since the incident in Omaha at Millard South. Everybody

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

in Nebraska is talking about school security and what can we do, how can we provide better security in our schools, at our school events and so forth. And our members feel that this is one step to help schools provide security if and when there are off-duty police officers available. So we want to support this bill. [LB618]

SENATOR LATHROP: Thank you very much. Any questions? I see none. Thank you for your testimony. Any other proponents? [LB618]

JOHN LINDSAY: Senator Lathrop, members of the committee, my name is John Lindsay, L-i-n-d-s-a-y, appearing as a registered lobbyist on behalf of Omaha Public Schools also in support of this bill. We note that...we support the idea that this keeps the discretion within the control of the school boards who would control those contracts, so it maintains local...the concept of local control while still giving a potential tool to those school boards should they decide to utilize it. Senator Lautenbaugh, if I could maybe address my understanding of your question. It is true on-duty police officers are entitled to carry their weapons while on duty; off duty are not. There's some question I think Senator Lathrop mentioned school resource officers. At least within the Omaha Public Schools, we contract through an interlocal agreement between the school district and Omaha Police Department or the city of Omaha to provide school resource officers and pay for those officers, so they are on duty at the time they are acting as school resource officers. [LB618]

SENATOR LAUTENBAUGH: Thank you for that clarification. [LB618]

SENATOR LATHROP: Very good. Thank you, Mr. Lindsay. Any other proponents? [LB618]

SENATOR ASHFORD: Opponents? Neutral? Jim. [LB618]

JIM CUNNINGHAM: Senator Ashford and members of the committee, good afternoon. My name is Jim Cunningham, C-u-n-n-i-n-g-h-a-m. I represent the Nebraska Catholic Conference representing the mutual interests and concerns of the archdiocese of Omaha and the diocese of Lincoln and Grand Island. My purpose is just to affirm and express our appreciation to Senator Harr for his willingness to strike the word "district" on line 14. If that word were to be retained in the bill, then that would limit the effect of this to public schools. And we appreciate that this option be made available to private schools as well. Thank you. [LB618]

SENATOR ASHFORD: Thanks, Jim. Seeing no questions, thank you. Okay. I guess, Senator Harr, would you...you're waiving. All right. Senator Christensen. Oh, my! Okay. All right. LB516. [LB618]

DAN WILES: Good afternoon, Chairman and members of the Judiciary Committee.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

Senator Christensen is detained in another hearing. He has another bill that he's attending to right now, so. I am his legislative aide and my name is Dan Wiles, D-a-n W-i-l-e-s. And I'm just going to read from his statement, and so I'll be reading in his voice. LB516 amends Section 69-2441 with the Concealed Handgun Permit Act to allow all governing bodies of educational institutions in Nebraska the option to create a security policy that enables either their security guards, administrators, teaching staff, or a combination of all three to carry a concealed handgun in or on school property. The bill is modeled after the current exceptions for security personnel working for financial institutions and places of worship already allowed in Section 69-2441. LB516 requires that any governing body that desires to adopt such a policy must do it by a two-thirds vote and that all students and parents or guardians, if applicable, be notified of such concealed handgun policy. In addition, all such personnel given permission to carry a concealed handgun must be in compliance with the Concealed Handgun Act...Permit Act and possess a concealed handgun permit. Finally, any private educational institution that leases school property could not adopt a concealed handgun policy that was in violation of the terms or any real property lease agreement between the private educational institution and the lessor. I have a handout here that would deal with an amendment that would clarify the intent of that particular provision in the bill, and it's AM368 that would make the language clearer as to my intent regarding leased property. As many of you know, there are parts of our culture where the moral fabric that holds our society together is coming apart. We witnessed a troubled student in Millard South take a life, seriously wound another, and take his own life. It was a sad day for Omaha and Nebraska. Fortunately by God's grace, more staff or students were not hurt. Thinking about this incident, I felt like maybe we ought to have a discussion about how best to protect students and faculty in Nebraska schools since it is on so many people's minds. As a society, how should we respond to such senseless violence? The way I see it, we usually respond in one of three ways. We either resign ourselves to the idea that this is just the way things are now and do nothing or we crack down by taking freedoms away, which usually affects law-abiding people the most, or we give people more freedom to defend themselves. Most of you know that the latter is how I lean. So I decided to introduce LB516. I did not want to force guns into schools where folks did not want them. At the same time, I had discussions with others that wouldn't mind having an option for trained individuals to carry in schools. So I thought that local control, giving the elective governing body the choice, would allow for the most flexibility to respond to what staff, parents, and communities wished. As I mentioned earlier, the bill requires a two-thirds vote by the board with required notification of their policy to all students and their parents or guardian if applicable. I did not want a decision like this to be decided on simple majority but where there was a greater majority or where a consensus was found. I have talked to people on both sides of the issue and understand many of their concerns. However, I believe a lot of concerns could be handled at the local level. If the governing body felt more training was needed in situational tactics or more guidelines were needed to define where and how staff would handle handguns on school property which go beyond the requirements in the Concealed Handgun Permit Act, I think that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

could be looked at to allow governing bodies the most flexibility. I did find out the Texas laws... Texas law allows concealed carry on school campuses with the written authorization of the school board. One school board district near Wichita Falls, Texas, has allowed concealed carry by staff since 2008, and the school district in Arlington, Texas, discussed the possibility of concealed carry in schools at a board meeting just a few weeks ago, January 20. I have also spoke with a fellow legislator friend from Colorado that sent me language from Colorado's statute, Section 18-12-214(3)(b) that says: a permittee who is employed or retained by contract by a school district as a school security officer may carry a concealed handgun onto the real property or into any improvement erected thereon of a public elementary, middle, junior high, or high school while the permittee is on duty. I bring these examples up just to bring a little context to this idea of concealed carry in schools. We are not the first to consider this option. Again, I want to emphasize that this bill would provide this option to all educational institutions from universities to elementary schools, from public to private schools, and it is only an option. Nebraska schools are vastly different in size, layout, access to law enforcement, ability to afford law enforcement, and the potential threats to students and faculty now and in the future. I think good state policy would allow governing bodies to address safety issues when they are needed and with the greatest flexibility. I really do think it is sad that we have to think about measures like this on our schools but these are the days that we live in. How many schools in Nebraska would use this option? I do not know. I would guess that today not many schools would choose such a policy. However, if a situation arose where a school felt it was needed and it could potentially save lives, I think as a state we should allow that freedom and not tie their hands. Thanks for your consideration of LB516 and I would urge its advancement to General File. [LB516]

SENATOR ASHFORD: Any questions? No. Thanks. How many proponents do we have for this bill? Okay. Why don't we go through the proponents now. Andy, do you want to go first and then those who want to testify. [LB516]

ANDY ALLEN: (Exhibit 7) Andy Allen, A-I-I-e-n, Omaha, Nebraska, president of the Nebraska Firearms Owners Association. I'm going to try and just briefly... I'm sure everybody here realizes that I've got members that are... that have the feeling that everybody should have the right to be armed for self-defense anywhere and everywhere they may be legally, (laugh) but that's not what this bill is about. This bill is about giving school districts options, that they can have the option to have armed security if they so desire. You know, I come from... originally from a small town in northeast Nebraska. My hometown when I was growing up, we had one police officer. The city has since then had 100 percent police growth. They now have two, so one of the two is on duty at all times. They have three schools. There would be no way if they had some reason to believe that they needed to have security at schools that they could have a police officer at each of the schools. As well as we have seen in the last couple of years here in Lincoln, there's been issues on trying to find the money to keep the resource officers for

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

the on-duty police officers. That's also been a question for the resource officers in the Omaha metro area. Where's the money going to come from? And this just allows the schools to either take the security personnel that they have or designate security personnel and it sets a minimum training standard. The state says at the minimum you've got to be able to understand the use of force and show that you can safely...understand how to safely use a firearm. The school can set stricter requirements above that. That's all it does. [LB516]

SENATOR ASHFORD: Any questions of Andy? Seeing none, Andy, thank you. [LB516]

KELVIN JONES: Good afternoon, Senator Ashford and members of the committee. I am Kelvin Jones, last name J-o-n-e-s. I serve Nebraska Christian College as a professor of biblical studies in theology. I am a concealed carry permit holder, but the current state law is such that my weapon or one of my weapons remains locked in my vehicle while I am on campus teaching. This puts me in the rather difficult position that though I have received training, have demonstrated proficiency in the use of a firearm and do understand pertinent state law, I am just as helpless as any other unarmed individual on campus should a situation arise. It is also the case that in the kind providence of God, Nebraska Christian College was virtually given a good chunk of cornfield a few years ago. What that means though is that our campus is still well outside the city limits of Papillion. We are served by the Sarpy County sheriffs and Nebraska State Patrol. The relative isolation of the campus is an added concern. I want to simply speak as a proponent of LB516. It does not assure that I would be able to have the privilege and responsibility of concealed carry on my campus. I don't know what our trustees would say, but I do believe that this is very appropriate legislation so that those of us who are willing to serve our community in this way, should the need arise, would be legally able to do so. As I understand current law, if a situation did arise and if it did seem feasible that I could go actually out of the classroom or my office out to my car, retrieve my weapon, and go back to a dangerous situation, I might still be legally liable for an unlawful use of a firearm on an educational institution campus. I don't think it should be that way, and so I want to speak in favor of LB516. Thank you. [LB516]

SENATOR ASHFORD: Thank you, Kelvin. Any questions of Kelvin? Seeing none, thanks, Kelvin. Next proponent. Kelvin, are you...is your address in Lincoln or Omaha or where? [LB516]

KELVIN JONES: Oh, I'm sorry. It's an Omaha address. [LB516]

SENATOR ASHFORD: Okay. [LB516]

KELVIN JONES: Should I correct that on the sheet? [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR ASHFORD: No, no, we'll put it in. Thanks. [LB516]

KELVIN JONES: Okay. [LB516]

BUD CALLAHAN: Good afternoon, Senators. Bud Callahan, C-a-l-l-a-h-a-n, and I am a proponent of LB516 to remind you that Nebraska lies mostly beyond Seward, Nebraska. You get out into the sparsely populated areas, there are not resource officers, there are not off-duty police that are readily available in these communities. And I believe that it would certainly be an asset to allow those people at least the opportunity to vote in the school board and the school districts there to allow this type of thing, and where the instructors and the administrators can carry weapons. And as far as training is concerned, there are those that are readily available. The first that comes to mind is Front Sight, Pahrump, Nevada. And right now any one of you senators have an invitation to attend free at least a two-day or four-day defensive handgun. They are the number one gun training organization in the United States and probably the world. And graduates there readily and continuously compete and rank in the top percentile better than 99 percent of those who carry guns for a living. That includes military and all our police force and so on, and that has been tested. So you're welcome to go and that's where one of the places that the school districts would. And right now they're running...encouraging discounts for schools to do that and come up to speed for this very reason. Thank you. [LB516]

SENATOR ASHFORD: Thanks, Bud. Any questions of Bud? Seeing none, thank you. Next proponent. Opponents? Do we have any opponents for this bill? Let's go through the opponents. Why don't we come up to the front here. [LB516]

BRIAN HALE: Senator Ashford, members of the committee, my name is Brian Hale, H-a-l-e, representing the Nebraska Association of School Boards. We understand that some of the requirements and the abilities of people to carry guns safely is to be noted, but for the most part we're running schools here. Some people have military backgrounds but their first priority right now is teaching math, teaching gym, teaching other subjects. We see people having the ability to have more concealed weapons in school to simply be a matter of having more weapons in the school. And at any given time, students, others may find ways to wrestle those away in some manner if they feel so compelled. It just to us seems to be one of those things that the safety of schools probably is going to be ensured by having fewer weapons in the building as opposed to more. Certainly I understand that's probably up for debate, but our position right...in terms of this bill is to be in opposition. So thank you very much. [LB516]

SENATOR ASHFORD: Senator McGill. [LB516]

SENATOR MCGILL: Do you have any members who are interested in this at all?
[LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

BRIAN HALE: I have no indication from complete boards. Individual members have said, maybe that's not a terrible idea. But our members per se are the entire board, so individual...one vote on an entire board doesn't necessarily carry the day, obviously, you need two-thirds of those. So we've had no boards tell us that this is a good idea. [LB516]

SENATOR MCGILL: Thank you. [LB516]

SENATOR ASHFORD: Senator Council. [LB516]

SENATOR COUNCIL: Yes, and thank you, Brian, for appearing today. When the Association of School Boards addressed this issue, was there any discussion about, I mean, just the educational message that would be sent by, you know, allowing classroom instructors and the cafeteria servers to carry weapons? [LB516]

BRIAN HALE: I think the discussion was while somebody who was...had their wits about them and was a keen shot might be able to stop situations, certainly in a crowded cafeteria firing a weapon is a precarious situation. There's a lot of innocent bystanders usually. And so while there may be...and you could set up a scenario where having a number of armed staff members might mitigate a situation somewhat, it also has an equal opportunity to create unintended consequences. Just as in war, most of the casualties are from friendly fire. [LB516]

SENATOR COUNCIL: Thank you. [LB516]

SENATOR ASHFORD: The point that was made about the rural schools in the rural area that don't have access to resource officers who are armed and who are on-duty police officers generally I believe, that's a point, is it not? I mean, you...in the schools where there are resource officers who are armed, who are trained, obviously, as police officers to deal with issues, then you have a school maybe in some other area that is in a rural area that doesn't have access to that kind of situation, do you find that at all worrisome? [LB516]

BRIAN HALE: Well, I understand there are some places that are very remote in this state that aren't perhaps...I don't want to say adequately but perhaps as well served by having a law enforcement person very close at hand. And so I think there is some concern about what their options may be. And nobody can predict the future. I guess I still maintain an optimism that the most effective deterrent to most of these things comes from peers, comes from people. Most students in the history from Columbine forward who have done these sorts of things end up talking to somebody, giving some precursor of what's to come, and empowering their fellow colleagues, their fellow students to come forward and bring that issue up with an administrator. Seems to be a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

much more effective deterrent than having several people in the office armed and ready to shoot back. But... [LB516]

SENATOR ASHFORD: No question about it. I agree with you 100 percent. But what we're seeing, what my fear is that we're seeing young people get access to firearms primarily at home. That's been the case in Nebraska and in other places. They get access to firearms that are either not secure or hidden but they know where the firearms are hidden, and they are very troubled for a variety of reasons. And it's...obviously it's unspeakable, the tragedy. You cannot predict or you can possibly by intervening and looking at the warning signs and trying to react to the warning signs and get involved with that child. And what I think all the schools are trying to do that, do a better job of that. We have the bullying laws, truancy laws, things like that in place to try to identify those young people, but the tragedy is immense. My only point is not arming the administration and having a bunch of people with guns running around, I agree with your point there. My only question is these children, young people, are coming into the schools unexpectedly. There are resource police officers in the Omaha Public Schools, for example, who are...carry firearms who are trained to deal with difficult situations such as that. And there are schools in rural parts of the state that don't have that or apparently the testimony is that it's difficult to find police officers or others that are trained to be there. I find that...I mean, the point is we don't know if this is going to happen in an urban area or a rural area. It happens in all areas. It's the children themselves, the young people. So I'm agreeing with you that the real...(laugh) the best way to deal with this is to find out what's going on in the lives of these young people and address those things. That does not always happen. [LB516]

BRIAN HALE: We have been very fortunate that the number of incidents of school personnel or school students being victims of guns in schools have been very minimal, until recently almost nonexistent in the last decade or two. [LB516]

SENATOR ASHFORD: Right. [LB516]

BRIAN HALE: But mental health issues are continuing to grow and as that goes on...I think the difference in Millard would have been had somebody had the wherewithal, had a weapon, and been able to fire back we would have just had an extra puddle of blood in the office. I don't know that they would have...somebody goes in and says, boom, you're it. That becomes, can you stop that initial thrust? I don't know, but. [LB516]

SENATOR ASHFORD: But, I mean, I don't know and I'm not an expert. And I just see a disparity between rural schools is all. [LB516]

BRIAN HALE: Yes, I agree with you. The law enforcement coverage is uneven. [LB516]

SENATOR ASHFORD: And maybe there's a way for these schools to get a resource

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

officer and pay for that. I don't know, but whatever. Anyway, I appreciate, Brian, your testimony. Thanks. Any other questions of Brian? Seeing none, next opponent. [LB516]

BILL KUEHN: Bill Kuehn, K-u-e-h-n. I'm the director of security for Lincoln Public Schools, here representing Lincoln Public Schools. LPS opposes this bill for many of the reasons you've heard. The primary mission of the administrators and teachers and so forth is to provide education services, provide a quality education for the students. Their mission is not to function as a law enforcement officer or react to actions at that school in that vein. And they're not trained law enforcement pros. You know, if they have a concealed carry permit, to get that permit is a very controlled environment to do that--stationary targets they fire at at a very short range, and then take a class and take a test, and then renew that every five years. So just having that concealed carry permit does not provide a lot of stressful training or active shooter response training, etcetera. So there's a lot of safety issues brought on by bringing more firearms into the school environment: obviously an accidental discharge, maybe a student taking the firearm away from the teacher or the teacher leaving it lying around. It was mentioned earlier about maybe when a round does go off, there's a lot of other bystanders in there. Some of...you know, some schools have up to 2,000 kids in that school. And also an incident that would happen at a school to stop that, that individual right there in that particular area would have to have that weapon as opposed to somebody else that may have a concealed carry gun that's on third floor. So there's a lot of issues. It just creates a lot of safety issues and it kind of sets a different climate for the school. Schools, we want a safe climate and a climate of...a view of teachers with weapons as a role model, as a mentor, and we don't want them to be armed and think that their kids...if it's that dangerous for staff, then maybe they should have some sort of weapon or bring something else in there as well. So I wanted to welcome, entertain any of your questions. [LB516]

SENATOR ASHFORD: Any questions of Bill? [LB516]

SENATOR LATHROP: Yes. [LB516]

SENATOR ASHFORD: Senator Lathrop. [LB516]

SENATOR LATHROP: You are in charge of security at Lincoln Public Schools? [LB516]

BILL KUEHN: That's correct. [LB516]

SENATOR LATHROP: And what's your background? [LB516]

BILL KUEHN: Retired military officer. I was the...last position was the assistant adjutant general for the state for Army National Guard. [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR LATHROP: Have you been through like the police academy, for example? [LB516]

BILL KUEHN: I have not. I've got over 39 years in the military. [LB516]

SENATOR LATHROP: I get the military. I'm just trying to figure out how that translates into security or law enforcement. Do you have law enforcement background from the...your time in the military? [LB516]

BILL KUEHN: Homeland Security background not law enforcement. I wasn't a military policeman. [LB516]

SENATOR LATHROP: Okay. I guess I look at this bill and you may have made the point that struck me when I read it which was we had a bill in here to allow the concealed carry in a church. And I remember the concealed carry folks that came in said, look, first thing we learned is, duck, get out of there, and get out of the situation, don't use your gun. And I'm...the bill requires that if you're going to make one of these...or permit somebody to carry concealed and be the security guy, all they have to do is be trained in carrying a concealed handgun but not necessarily in anything else, which would suggest to me, given what I've heard before in this room, that these guys aren't there to defend other people or to charge in and take control of a situation but to protect themselves and their family and get out of this situation. [LB516]

BILL KUEHN: That could be true. [LB516]

SENATOR LATHROP: Okay. Well, I wish you had the security information that I could (laugh) ask you the questions on the difference between the concealed carry permitholder and somebody who has law enforcement background, but perhaps somebody else can answer that. [LB516]

BILL KUEHN: Well, maybe I could explain a little bit. Now, again, I'm not a law enforcement officer, but for a concealed carry permit in order to get that, obviously you've got to, number one, you've got to go out on the range with an instructor, a qualified instructor, and there are I think three different levels, distances, to fire at the stationary targets and you have to have so many hits. But there's no time limit on that. You can spend any amount of time aiming at those targets and shooting. And then if you pass that, there's also a class you go through by a qualified instructor to teach that concealed carry class. After that class is over, there's a written exam that you have to pass. And then you go down to the State Patrol and they do prints on you back there and do a background check. Once you get that and you get the permit, then you now have a concealed carry permit and that's good for five years. And then you can renew it again after that. [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR LATHROP: And I suppose because I've taken the deposition of a lot of law enforcement people I understand what they do at the academy, but that's far less than what we'd have if a law enforcement person trained at the Grand Island academy. [LB516]

BILL KUEHN: Exactly, exactly, exactly. [LB516]

SENATOR LATHROP: All right. Thank you. [LB516]

SENATOR ASHFORD: Yes, Senator Coash. [LB516]

SENATOR COASH: Thank you, Senator Ashford. Mr. Kuehn, do you in your position as chief security officer, is that...? [LB516]

BILL KUEHN: Director of security. [LB516]

SENATOR COASH: ...director of security, do you work in the schools with the students and the teachers or are you...? [LB516]

BILL KUEHN: My office is in the district office. I'm out in the schools quite a lot for various reasons. [LB516]

SENATOR COASH: Okay. I got a letter here from a student of LPS that really gives kind of a unique perspective of students' view and I'm just going to read a portion of it and just ask for your response as to whether or not the concerns of this student would be shared by you as a security officer. The student wrote, he said that: I oppose this bill because not every teacher in school is mentally fit to have a loaded weapon in the classroom. Some teachers may be having a bad day and might snap by shooting students that disobey them. And another reason that some teachers are very fearful of certain students, and a paranoid teacher or administrator may think a student is reaching in their backpack or purse for a gun when they're actually reaching for an ID. In your experience working with teachers and students, is this a valid fear that this student is illustrating to me? [LB516]

BILL KUEHN: It could be. You know, we've got a lot of staff members, you know, 6,000 staff members in LPS. Obviously everybody is going to be a little different, have different personalities. They're going to have different relationships with kids. They may have had some problems with some kids and the relationship between the teacher. So there's a lot of different things that play into that. [LB516]

SENATOR COASH: Okay. Thank you. [LB516]

SENATOR ASHFORD: Bill, you have resource officers I assume and... [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

BILL KUEHN: We do have resource officers only in the high school now. [LB516]

SENATOR ASHFORD: Do they carry weapons? [LB516]

BILL KUEHN: They do. They're on-duty Lincoln Police Officers and we contract with. The city pays half their salary, we pay the other half of their salary. [LB516]

SENATOR ASHFORD: Right. I guess my...again, my concern is that schools that don't have resource officers because they can't find them, it does create somewhat of a disparity in the ability to protect the building. That may be another kind of issue. I do agree with you that the training is a major issue. Senator Lathrop has brought that out. [LB516]

BILL KUEHN: Right. We do have...we only have SROs at the high schools, the six major high schools. [LB516]

SENATOR ASHFORD: Is that a cost issue or...? [LB516]

BILL KUEHN: Actually we had them at the middle schools up until the first of January. The city wanted to, because of their stretched resources, wanted to bring those other four SROs out of the middle schools and put them back on the street. So we lost four of those SROs January 1. We still have...we have the six SROs at high schools, and that's a one-year contract renewable each year. We have 37 elementary schools which have no SROs and then we have 11 middle schools that do not have SROs. [LB516]

SENATOR ASHFORD: And is that a risk evaluation that you make? Do you make an evaluation as to where those SROs ought to go? Is that part of your job to recommend to the board? [LB516]

BILL KUEHN: There can be a recommendation but basically it gets into cost and the resources that are available with the Lincoln Police Department. With that many schools, it's pretty hard to put that many police officers up there. [LB516]

SENATOR ASHFORD: Correct, but I mean there's no cost too great to protect the kids, is there? [LB516]

BILL KUEHN: There's no, excuse me? [LB516]

SENATOR ASHFORD: There's no cost that's too great. If you believed... [LB516]

BILL KUEHN: Right, right. [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR ASHFORD: If you believe that there is a...and it's not a gotcha question...if you believed, seriously believed that the threat was significant enough to pay additional SROs or find people trained at that level or whatever it is, in all likelihood you would make that recommendation to the board. [LB516]

BILL KUEHN: Yes, sir. [LB516]

SENATOR ASHFORD: But the board has decided that what it has decided and that it has SROs in the high schools, some middle schools. How does it evaluate the middle schools that it has the SROs in? Some of the middle schools have SROs and some do not. How do you make that judgment? [LB516]

BILL KUEHN: Okay. What we have done...what we had before is we had only four SROs cover those at the time... [LB516]

SENATOR ASHFORD: Or prior. Now they're not there, but. [LB516]

BILL KUEHN: Now they're not there at all. [LB516]

SENATOR ASHFORD: But before there were four and... [LB516]

BILL KUEHN: Right. One SRO would either cover two schools or cover three. And how they divided that time was pretty much their call or what was going on. They may be at one of their schools today, the other school the next day, and the next day over at that school, or they may break that up half-days or whatever. But they had to cover more than one school, so there were times when that particular SRO wasn't at that middle school, he was at...he or she was at that other school. [LB516]

SENATOR ASHFORD: Is that the best way...I mean, would you feel not having the SROs in the middle school, does that create a higher risk of harm? [LB516]

BILL KUEHN: Yes, sir. [LB516]

SENATOR ASHFORD: And would it be your recommendation generally to have those SROs in there at some way? [LB516]

BILL KUEHN: Yes. [LB516]

SENATOR ASHFORD: Okay. Thanks. Senator McGill. [LB516]

SENATOR MCGILL: I would personally like to see just more mental health counselors, even in a middle school. I feel like that would have a bigger impact because many of these kids really need some sort of help as opposed to just being, I don't know,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

punished or an officer or... [LB516]

SENATOR ASHFORD: Yeah. My concern is that there is a risk here in the middle schools that Bill has suggested exists. Lincoln Public Schools has elected not to have SROs available because the city doesn't have them. Whatever (laugh) the reason is, but is that there is in your view some level of risk. I agree with Senator McGill that the underlying cause is where we ought to put the money, but there is a level of risk out there. [LB516]

BILL KUEHN: Right. Correct. [LB516]

SENATOR ASHFORD: Okay. Senator Council. [LB516]

SENATOR COUNCIL: Thank you. And maybe it's just me and, Bill, I appreciate you being here. And I posed a question earlier and perhaps didn't pose it correctly. I'm concerned about the impact on the educational environment, on the instructional environment. I mean, if I'm a sixth grader and, you know, my sixth-grade teacher...we talk about concealed weapons as if, you know, we're only talking about individuals who wear suit coats and have, you know, their weapons concealed, but that's not going to, you know, always be the case. And I'm just thinking about the impact on the educational environment to have someone potentially standing in front of the classroom day after day packing a sidearm and, you know, what are the youngsters going to be focusing on? You know, is it the instruction that is our primary objective and purpose of education or, you know, the fact that, you know, my sixth-grade teacher is packing a sidearm? I mean, and no...and that's what I was trying to get at with my question to Brian, I mean, is...what kind of thought or discussion or consideration has been given on the impact that has on the educational environment? [LB516]

BILL KUEHN: One of the primary roles of the SRO is to be that role model, to be that mentor, to network with those kids. It's not just to have a police officer there in a guard status. They build relationships with those kids. Those kids build a trust with those police officers and vice versa. And a lot of information is shared. So a lot of the work that the SRO does is based upon building that trust and building that relationship, building that role model for that law enforcement so those kids know that policemen aren't maybe just those armed guards, prison guards, if you will or whatever, that they're also human beings and they're just like other folks. And a lot of that is built with those SROs. And those SROs are selected with those types of personalities and those types of ways to build relationships with kids. [LB516]

SENATOR COUNCIL: Okay. And now don't get me wrong. I have no problem with SROs. I mean, and I think that that is a side benefit of law enforcement presence with our...I'm talking about classroom instructors. I'm talking about the gym teacher. [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

BILL KUEHN: Oh, I agree. [LB516]

SENATOR COUNCIL: You know, (laugh) and, yeah, you build certain faith and trust with the gym teacher. But what kind of educational environment do we create if, you know, potentially when you go into gym class, you know, the gym teacher is packing a sidearm? [LB516]

BILL KUEHN: And when I talked earlier, I skimmed on that. I talked about the school climate. And I was concerned about LPS's concern about the school climate, that having those teachers there, those folks that are there to teach the kids and build relationships with now are packing a sidearm. You know, and they're not just instructors but they're almost functioning like a...you know, they could be a policeman there. And we have concerns with that climate. I echo your comments. [LB516]

SENATOR COUNCIL: Okay. That's the question and I apologize, Brian, if I didn't frame the question. I'm just talking about the instructional climate that's created... [LB516]

BILL KUEHN: Exactly. [LB516]

SENATOR COUNCIL: ...potentially to be created by permitting that. The other problem, the other concern as I read the bill...and I can appreciate the intent, you know, of notifying parents, you know, who these people are, but, I mean, (laugh) to me that's kind of counterproductive. I mean, and then you're in essence kind of singling people out because those who aren't...the young people know who the ones are and who the ones aren't. [LB516]

BILL KUEHN: Right. [LB516]

SENATOR COUNCIL: So if you're trying to have...create a climate, I think that's contrary to creating the kind of educational and instructional climate you'd want to create when the kids know that, you know, Mrs. Jones is carrying a concealed weapon but Ms. Smith isn't. [LB516]

BILL KUEHN: And I totally agree with you. [LB516]

SENATOR COUNCIL: Thank you. [LB516]

SENATOR ASHFORD: This is very...and I agree with Senator Council and with you. I think it's...I'm very skeptical of any arming teachers and counselors and that sort of thing and I think Senator Council is. But I am concerned. Here's my concern. My concern is two things. One is, one, we don't have SROs in rural schools. We don't have the ability to get there. And then, secondarily, we have someone with your experience, and I'm not being patronizing, 37 years in the military and you have Homeland Security experience,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

there are SROs in the high schools, not now in the middle schools and that is an element of risk. I think that's a concern. I mean, I have a concern about that. You know, I think that having...if you believe, Bill, in your professional experience that having SROs in the middle schools is an appropriate response to the potential violence that can occur, even if it's once in a millennium, it's a child that can be injured. I think the candor that you've exhibited here is very appropriate. And that is my...that's my concern, to have the ability to have trained people in the schools as an added public safety measure. Someone has to make that determination. You don't need them in the elementary schools. Middle schools, closer call. High schools, yes. Someone has to make that call and you're making that call. You make that value...or you make that judgment based on your experience. And it's bothersome to me that, in your opinion, pulling them out of the middle schools is a potential issue. I think that's a very valid concern and it's one that I share. I do absolutely agree with you and Senator Council about having teachers armed. There is a difference between a church, which is a voluntary association of people, versus a school. Everybody is required to be in the school. The children are required to go to school. So that's a difference though it may be a very slight difference. But be that as it may, my concern and I think this...we should as this committee be concerned about this whole SRO issue and there is the potential for violence obviously. So with that, I appreciate your comments. Thanks, Bill. [LB516]

BILL KUEHN: Okay. All right. Um-hum. [LB516]

OWEN YARDLEY: Thank you, Senators. My name is Owen Yardley, Y-a-r-d-l-e-y. I'm police chief at the University of Nebraska in Lincoln. I'm here in opposition of the proposed legislation. Understanding while no solution will absolutely prevent school or workplace violence from occurring, we feel it's our best approach to limit the opportunities for situations which occur. While trying to address a specific type of situation, I'd like you to consider the potential safety concerns that this legislation may cause. Campus environments, to the benefit and sometimes the chagrin, are environments with maturing, sometimes instances of immaturity, but very creative minds. Our history shows that the extent of simulated situations exceeds those in which actual shootings have occurred. And we have many examples. I'll just give a couple of them here. Students were filming a portion of a documentary for a class project simulating a carjacking. An alarmed citizen reports the people to the police that they have guns. In an academic building it's a prank--a student who had a toy pistol yelling in the hallway for people to get down while waving the gun. People panicked, left the building, or head for cover. The student then left the building. Police took a call from a student who had received a text message from a friend about the possibility of a man in the class having a gun and he was wearing a ski mask. The student was playing...the student who had the gun was playing a game called assassin which is played nationally on most campuses. Turned out the gun wasn't real. These games are among others that students play that involve simulated weapons with very similar intentions to playing paint ball or laser tag. Police responded to these situations and resolved them with

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Transcriber's Office

Judiciary Committee
February 16, 2011

nobody getting hurt. Any of these situations could have been misinterpreted by well-intentioned and armed staff members. Police treat reports or observations of guns as a very serious situation, take into consideration the safety of those around them. Postsecondary institutions in the school, school shootings are very rare events, very noteworthy and newsworthy but very infrequent. Department of Justice statistics show that 93 percent of the violent crime to students occurs off campus. Educational settings are also workplaces. Workplace violence is more prevalent than shootings. Police consider that this bill may allow an employee with a dispute in an educational workplace to be legally armed. We prefer to be proactive rather than reactive in this situation. While we do practice for active shooters, we rely heavily on threat assessment program which in school shootings with students it's the very, very rare instance where there's not leakage ahead of time, where information was put out before that by the student of what they were going to do. Threat assessment programs by nature, one of the elements is to create pathways to get that information back in to the appropriate authorities so they can deal with that proactively and respectfully. Two years ago, I testified for legislation that was introduced to add postsecondary institutions to the list of locations where a concealed weapon was not allowed. Two legislative findings in that bill were, in addition...an additional danger of firearms at schools as the risk of accidental discharges and harm to students and staff, and the firearms are an immediate and inherent dangerous threat to the safety and well-being of an educational institution. Although this bill has opt-in language, we feel the restrictions of firearms on campus is important and current language should remain unchanged. [LB516]

SENATOR ASHFORD: Thanks, Bill (sic). Any questions of Bill (sic)? How many officers do you have at UNL, for example? [LB516]

OWEN YARDLEY: About 30. [LB516]

SENATOR ASHFORD: Thirty officers. And you have a threat assessment plan, is that something you're in charge of? [LB516]

OWEN YARDLEY: Yes. It's a threat assessment program for the entire campus. [LB516]

SENATOR ASHFORD: And is that submitted to the Board of Regents? Does the Board of Regents approve that? Do they know about that? [LB516]

OWEN YARDLEY: I'm sure they know about it because they've been involved in some of the cases. [LB516]

SENATOR ASHFORD: Okay. So this plan goes up through the... [LB516]

OWEN YARDLEY: It was developed on the UNL campus. It involves just about every

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

department on campus with training on identifying circumstances, situations, developing pathways to get communication in from students, faculty, staff, even outsiders on threats that may come in, including the leakage of what students may be planning or doing. Involves a lot of different situations, and then we deal with the situation. We try to be as respectful to people as possible and try and put whatever resources are available, whether it's counseling, if there's stressors such as financial issues in their home life, we try and deal with that, alcohol issues, lots of things. [LB516]

SENATOR ASHFORD: If something were to happen at such as a Blacksburg incident at UNL, what would you do? What would the plan suggest you do or your people do on campus? What happens in a Blacksburg where there's an attack on a...? [LB516]

OWEN YARDLEY: Well, it's very fluid and it has to be because you... [LB516]

SENATOR ASHFORD: Can you just give me a general idea what might happen? [LB516]

OWEN YARDLEY: Okay. Get a shelter in place or evacuate the building. Some of that's going to happen before the police get there. They have those two options available, whichever can be done safest. They have...the faculty has been instructed or given information about what to look for in their classes at the beginning of the season, beginning of the new school season, such as: exit routes out of the building, into the building, out of the room, windows, how to barricade the room if they need to, and to give direction to the students if something like that were to occur. While that's going on, officers would be responding to the scene and they would be going in, they would...if a situation came in that there was an active shooter on campus and we had the report of it, there would be officers not only from the university police but most likely from other local agencies responding. And they would go to that building and they would enter that building as quick as they could and as safely as they could and try and find what the situation is. Going into that situation, they're looking for...going against the stream of people usually leaving the building and you're looking for somebody with the gun or the sound of gunshots. So if they encounter somebody with a gun, they are assuming the worst to start with and they're trying to resolve that situation as quick as possible. This situation by arming people on campus would muddy that event in that you get the report of an active shooter, you go to the person with the gun, you find the person with the gun, most likely that's your person. Now they have to consider that that may not be the person, that may be a faculty member who now has the gun and... [LB516]

SENATOR ASHFORD: Or a number of them. [LB516]

OWEN YARDLEY: Or anybody else, yeah, and who is under stress. You don't know how they're going to react. Police are...you know, they train for a good chunk of their police training to deal with and make stressful decisions. And firearms training is done

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Transcriber's Office

Judiciary Committee
February 16, 2011

with simulated ammunition, trying to make the situation as live as possible, shoot/don't shoot situations. So they're pretty well trained on what to do. I'm not going to even begin to be able to tell you how the reaction is going to be with somebody else in there, so. [LB516]

SENATOR ASHFORD: No. But if you...and what happens...there's the communication link with the students is...is there a communication link via cell phone? [LB516]

OWEN YARDLEY: For reporting? [LB516]

SENATOR ASHFORD: To warn students of a... [LB516]

OWEN YARDLEY: There is a notification program through cell phones which most campuses have. [LB516]

SENATOR ASHFORD: Right. Right. [LB516]

OWEN YARDLEY: Typically by the time you would confirm a situation, and realistically by the time you confirm a situation, you put the information out over the text, it goes through the service providers, which is usually the restriction on getting information out, it may be 10 to 20 minutes before that's received in a realistic setting. [LB516]

SENATOR ASHFORD: Really? Why does it take so long for that to be done? [LB516]

OWEN YARDLEY: You're pretty much at the mercy of the service providers and how the information, how the packets are going through the towers. I think everybody understands that if you're in a setting with a lot of cell phone usage, it can bog down the system. These situations have been found to be no different, that communications go down rather quickly in these situations. So if that message isn't put out in the first few minutes, it's a good chance it's going to be delayed. And generally 10 to 20 minutes is pretty nationwide average. [LB516]

SENATOR ASHFORD: And that could be...is that best practice, Bill (sic), in your view? I mean, is there another way to do it? [LB516]

OWEN YARDLEY: It's a common practice. I think the jury is still out on what the actual best practice is. It's different for every environment. I think probably making some direct communications through some type of loudspeaker system may be best. That's a costly...any of these are costly procedures but they're all being viewed. [LB516]

SENATOR ASHFORD: Signage, is signage, ever utilized? [LB516]

OWEN YARDLEY: We put signage out. We put communication campaign at the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

beginning of each year. We have posters up about the threat assessment program, reporting those things, but it's a continual process. High schools are like colleges: 25 percent turnover every year, so it always has to be reeducation. [LB516]

SENATOR ASHFORD: Okay. And how long have you been at the University of Nebraska? [LB516]

OWEN YARDLEY: Ten years. [LB516]

SENATOR ASHFORD: Okay. Have you had occasion of a shooter on campus in any of those ten years? [LB516]

OWEN YARDLEY: No, we have not. [LB516]

SENATOR ASHFORD: That's at UNL? [LB516]

OWEN YARDLEY: No, we have not had any of the active shooters on the UNL campus. [LB516]

SENATOR ASHFORD: Okay. Gun threats? There have been gun threats but not active shooters. [LB516]

OWEN YARDLEY: There have been gun threats. There has not been anybody on campus with the intent to shoot yet. [LB516]

SENATOR ASHFORD: Okay. And does that apply across the university system as far as you know? [LB516]

OWEN YARDLEY: That I couldn't tell you for sure. [LB516]

SENATOR ASHFORD: Okay. All right. Thank you. Thanks, Bill (sic). Next--I'm not sure where we are--opponent. [LB516]

LARRY SCHERER: (Exhibit 11) Good afternoon, Senator Ashford, members of the Judiciary Committee. My name is Larry Scherer, S-c-h-e-r-e-r, and I'm a registered lobbyist for the Nebraska State Education Association. We are opposed to LB516. We believe that each student and each educational employee should be guaranteed a safe and secured environment and there should be a zero tolerance for having weapons at schools. That is true on one hand. On the other hand this bill we believe would not increase the safety and security but would rather raise questions. If the school board adopts a policy, would they also be required to provide training to the people that take advantage of the policy? What about liability for individuals or the school district? And a really important issue is if it's voluntary and you have one teacher in a school that

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Transcriber's Office

Judiciary Committee
February 16, 2011

doesn't really have a problem, another teacher where there is a problem and they choose not to do it, have you really addressed the problem? Senator Council raised the instructional climate issue. I think that's probably the biggest...one of the biggest concerns that our teachers would have is, how can real teaching and learning happen in an environment where there is potential violence there all the time? That constitutes my testimony. I'll be happy to try to answer questions. [LB516]

SENATOR ASHFORD: Thanks, Larry. Any questions of Larry? I am concerned, Larry, that there are schools with SROs and some that aren't. That, to me, is problematic. I understand it's a cost issue but it sounds to me like it's an issue. [LB516]

LARRY SCHERER: I think it is. I was thinking about that in terms of what resources do rural schools have in terms of... [LB516]

SENATOR ASHFORD: Or even urban schools, even Lincoln Public Schools. [LB516]

LARRY SCHERER: ...even urban schools, of people that are trained volunteers, trained, be willing to take this on. But training and equity is an issue. [LB516]

SENATOR ASHFORD: Well, you have... [LB516]

LARRY SCHERER: No doubt about it. But this bill wouldn't assure that unfortunately. [LB516]

SENATOR ASHFORD: Our police officers in Omaha retire at 45 or whatever. I mean, it would seem to me that, you know, we might...they're all good guys, good men and women. I just...but they're out there and it would seem to me that we could try to address that issue with training police officers at...the SROs that I've run across, Senator Council is absolutely right, the ones I've run across in the Omaha Public Schools are super. They care a lot about the kids. I've seen them interact with the kids on an ongoing basis. It's really an...it's pretty darn good. And I'm very concerned now from this hearing, this testimony, that we don't have SROs out there. And we have somebody with 37 years of experience who has made a threat assessment or a risk assessment, and if I was a teacher I'd be concerned about that or an administrator. But... [LB516]

LARRY SCHERER: I would agree. I think that is a serious issue. [LB516]

SENATOR ASHFORD: Okay. Thanks, Larry. [LB516]

LARRY SCHERER: Thank you. [LB516]

SENATOR ASHFORD: Next opponent. [LB516]

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Transcriber's Office

Judiciary Committee
February 16, 2011

TIP O'NEILL: (Exhibit 12) Senator Ashford, members of the Judiciary Committee, I'm Tip O'Neill, that's O-'-N-e-i-l-l. I'm the president of the Association of Independent Colleges and Universities in Nebraska. The independent colleges are a 14-member consortium of nonprofit privately controlled colleges and universities which are located in Nebraska. I'm providing you a handout on what I consider to be the best literature that I was able to find on the issue of guns on campuses. It's actually from the American Association of State Colleges and Universities. I hope you don't tell my presidents that I'm handing out literature from a group that's other than my national association but one that actually UNO and Kearney belong to. But it I think states the appropriate policy considerations for legislatures to make when they're determining whether or not guns should be...concealed carry should be allowed on campuses. You know, two years ago we passed a bill, a concealed carry bill, but we carved out exceptions to that general rule, and colleges and universities and schools were part of that exception. And I don't see anything that has changed. You know, if you read this document that I have provided to you, you'll see that on page 6 there's a quote that came from The New York Times from one of the researchers in this area, and he said that most mass shooters are suicidal. They intended to die. Armed confrontation is not a deterrent, it is the point. And I agree. I don't see that passage of this bill would raise the actual likelihood of deterrence from shooters shooting people on our schools and campuses. And, you know, if you see logic in allowing, you know, teachers and administrators to carry guns, then if you look at the rest of the exceptions, then there would be logic in allowing bar owners and bartenders to carry them or poll workers. And I don't think that would be appropriate policy either. I mean, I think we carved out the exception for a reason and I think it should stay. Be happy to answer any of your questions. [LB516]

SENATOR ASHFORD: This report says that, "Recent tragedies demonstrate that campuses must be vigilant in identifying potential threats and develop coherent security strategies to effectively prepare for campus crisis. Lawmakers must consider all consequences, both intended and unintended, of allowing concealed weapons." One of the unintended consequences is the necessity for more on-campus security if people are carrying guns. I get that. But I am concerned that some of our schools are not adequately protected and that's a different issue, but it is an issue. And I think what I'm sensing is it's because of the lack of funding. And it should be the...I wonder if it shouldn't be the number one priority that we have security on campuses across...how about your college, your clients? [LB516]

TIP O'NEILL: Well, I think we have appropriate security, but... [LB516]

SENATOR ASHFORD: Do you have armed security? [LB516]

TIP O'NEILL: At some of the campuses we do. Some train... [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR ASHFORD: Which ones have? [LB516]

TIP O'NEILL: I can't tell...I think Creighton perhaps. I'm not certain. And generally the more urbanized the campus, the more likely they are to have armed security I think, depending on the location. But, again, I think it's...this is a permissive bill. I mean, I can't think that any of my governing boards that I represent would allow it, but I also don't see any reason to change the exception. It would just make it more complicated. [LB516]

SENATOR ASHFORD: I agree about the exception, but what...and you're talking about private colleges, but... [LB516]

TIP O'NEILL: Colleges, right. [LB516]

SENATOR ASHFORD: But what the conclusion is, is that we have vigilant policy and practice which encourage vigilance in identifying potential threats, and I think the potential threat today is young people are getting firearms very quickly. They have mental issues, mental health issues in many cases and they are attacking schools. [LB516]

TIP O'NEILL: Right. [LB516]

SENATOR ASHFORD: That's a fact. And that's what's happening. And if we don't have adequate vigilance on these campuses, there could be further tragedy. That's my concern. Okay. Thanks. [LB516]

TIP O'NEILL: Thank you. [LB516]

SENATOR ASHFORD: Any other opponents? Neutral testifiers? [LB516]

DAVID BAKER: Good afternoon. My name is David Baker. I'm a deputy chief at the Omaha Police Department, D-a-v-i-d B-a-k-e-r. I'm here to speak on behalf of the department in a neutral capacity on LB516. We initially considered appearing in opposition of LB516. LB516, as intended, doesn't make a lot of sense for urban school district areas where there is law enforcement available, SROs, and the sort of things that we talked about before. But in looking at the bill a little bit further, it is important that we be less provincial. As you had brought up, there is a state which is primarily outside of Omaha. Omaha is only a small area of the state, and in districts where this may be something at least to consider in some form or another. And so we decided that we would appear today in a neutral capacity. While we're reassured by the two-thirds majority vote that would be needed to enact this in any schools, we do feel the need to, nevertheless, voice a cautionary note here. And some of these, simply redundant what other people have testified, have said before me, so I won't go into it in any depth. But it's the training issue, not necessarily that we're advocating for police officers in some of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

these districts because quite honestly that's not really practical. But in some areas, at least it's been suggested by previous testimony that we should have extra training for these individuals at the schools. Districts would have the extra training. If we're going to permit this on a state level, it would be our position that the state should mandate such training, that you would have control of that type of training, mandatory recertification processes similar that you do with police officers, maybe to a lesser extent, and specific training on the school environment which is a very specific and special environment as compared to the minimal training that's allowed with a concealed carry permit. So beyond the training, we understand that there may be a need in some areas for extra security in those districts, and we are neutral for that reason. I'm mostly here to answer any questions you might have about the police officer or SRO programs. [LB516]

SENATOR ASHFORD: Any questions of Dave? Senator Council. [LB516]

SENATOR COUNCIL: Yes, thank you, Deputy Chief Baker. You're talking about the SROs, are they required...now I'm understanding the fact that they're assigned to...they're police officers assigned to school buildings, they are still subject to adherence to the use of force continuum? [LB516]

DAVID BAKER: Absolutely, yes. [LB516]

SENATOR COUNCIL: And on that continuum, use of deadly force is the last resort. [LB516]

DAVID BAKER: Yes, it is. [LB516]

SENATOR COUNCIL: And that's one of the concerns I have about just individuals with a carry conceal permit being allowed to have those weapons in the school setting where the mere presence of that suggests that as opposed to being at the end of the use of force continuum, it's at the beginning. [LB516]

DAVID BAKER: Um-hum. [LB516]

SENATOR COUNCIL: So. [LB516]

DAVID BAKER: Now I do understand that. I would note, too, in fairness that in school districts that employ security guards, large enough to employ guards but maybe not SROs, there are also interim means of force available to those security personnel. And this may not be the primary use of force that they would go to in all fairness, but it is a position of great and grave responsibility. Mistakes being made in an environment like this are absolutely...can be devastating. And for that reason, we believe there ought to be minimum standards above and beyond simply the concealed carry permit. But at that same time, realize that some school districts may feel that need, and they lay beyond

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

the boundaries of an urban environment and may need to have some sort of choice in this matter. And the supermajority that's required is a two-thirds vote of the boards, and things of that nature I think are a good safeguard for that. The only thing that we would add to that is the mandatory training requirements. [LB516]

SENATOR COUNCIL: Thank you. [LB516]

SENATOR ASHFORD: It's great testimony. And the SRO program that Omaha Police Division is involved in is...in Omaha is just stellar, you know, in my view... [LB516]

DAVID BAKER: Well, thank you. [LB516]

SENATOR ASHFORD: ...and for all the reasons that you've suggested. Thank you very much, Dave. That's it. Any other neutral testifiers? Senator Christensen is here to close. [LB516]

SENATOR CHRISTENSEN: Thank you. Apologize for not being here. I've introduced a couple of others. I just might hit on a couple of things that Dan mentioned to me and that I wanted to emphasize here. You know, I think we can look at the threat assessment, and this is just an option, to protect. And I look at a couple of schools in my district. I've got Bartley is a small town that three schools went together, put a school in that community, Southwest. But there's no police enforcement in that town. The closest police enforcement is over 20 miles away in McCook. That is one example I think of in my district where it's going to take a little bit for the police to respond if there was an unfortunate incident happened. That's why I'd like to have local schools having that local option to choose. Another one in my district, Southern Valley, three schools went together, built 15 miles out in the country to the nearest town. Again, someone walked in. We don't have security guards in any of my schools. So if you just put this to security guards, it does nothing for me because our schools don't spend money on that. We don't have no metal detectors. This is just an ability to allow superintendents or the school board to say, if we have a situation arise, we'd like to be able to handle it to be able to protect our people. If you think about it from the school's perspective, they are to be in charge of the school, have discipline, and in care of the situation. If someone walks in with a gun, the fields are unlevel. So I just wanted to mention that. There's other districts too. If you think about how huge Senator Fischer's district is, I'm sure there's rural schools out there too. I had a Mid-Plains professor or actually I had the president walk up to me the other night and said, you know, I've had a list of professors that have asked, see if they could carry if this passes. You know, so there is some concern out there. But I didn't want it to be a teacher option. I didn't want it to be something forced on anybody. I wanted it to be the training of the concealed carry and if a board wants to put a higher standard on it by requiring more training, continual training, and limiting of where and how, that would be their choice. So, again, I have had several come in from...I know it's not what this committee desired and not what I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

testified for, but when we amended the concealed carry for security guards in churches, I've had a thank you from Berean come up to me and said: Thank you, we haven't had another incident. We have that law being utilized right now. They thanked you for it. And also I had a number of kids, graduate students at Creighton University done the interview and presentation over this bill. They interviewed me. They made the offer to you guys. If you'd like to see their study, they would e-mail it to you, they'd come present it to you if you'd like to see what they have done. That's all I have to add unless there's questions. [LB516]

SENATOR ASHFORD: Yeah, Mark--any questions of Mark--big difference between a church... [LB516]

SENATOR CHRISTENSEN: Yes, yes. [LB516]

SENATOR ASHFORD: ...which is a voluntary association of people that come together... [LB516]

SENATOR CHRISTENSEN: Correct. [LB516]

SENATOR ASHFORD: ...and there's a notice posted and they can either go or not go. [LB516]

SENATOR CHRISTENSEN: Correct. [LB516]

SENATOR ASHFORD: And I'm not questioning the responses you got... [LB516]

SENATOR CHRISTENSEN: Yeah. [LB516]

SENATOR ASHFORD: ...on that. But I think there's a difference. But the...my concern comes back to basic priorities in these schools. If they don't...if public safety or safety of the teachers and the administrators and the students is not high enough to go out and seek what David is talking about, what the Deputy Chief is talking about, go to McCook and get a retired police officer, have them come into the school and work as a resource officer and get them trained. I mean, it seems to me they're already trained, but... [LB516]

SENATOR CHRISTENSEN: Um-hum. [LB516]

SENATOR ASHFORD: But in some way it seems to me it's a priority of the school to...it's not that expensive to get a highly-skilled, retired police officer to come into a school. I grant you in Senator Fischer's and part of your district, that's very rural. I understand that. But to me it would...this hearing for me has highlighted the crying need for more public safety in schools. [LB516]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
February 16, 2011

SENATOR CHRISTENSEN: Um-hum. [LB516]

SENATOR ASHFORD: Because we cannot predict when some...because as Senator McGill and Senator Council have said over and over again and Senator McGill has made a career over, thank goodness, this idea of behavioral mental health of children. And these kids are susceptible to creating tremendous danger, and they get firearms from their homes and that's what happens. So the school districts need to go get resource officers to get in those schools, period. And it cannot be a low...it must be the highest priority in my view. And you've raised a great issue here by bringing this bill, at least in my mind, so. [LB516]

SENATOR CHRISTENSEN: Well, I think it was a great discussion to have. I'm sorry I missed most of it. But I just wanted to bring it up. I think it's something to look at. And there's one other point I wanted to make sure wasn't misunderstood in the bill I thought about. Notification policy was not who's carrying but that it would be allowed in the school. I didn't want that to be misinterpreted. You'd never want it... [LB516]

SENATOR ASHFORD: Right. Well, I mean, it's interesting. I looked at the numbers. I think I may be wrong on Omaha Police Division, but I think they're...this could be way off but I think there are 1,200 retired Omaha police officers in Omaha. I don't know. It's a lot of them. [LB516]

SENATOR CHRISTENSEN: Um-hum. [LB516]

SENATOR ASHFORD: But these people are highly trained. I think they could go into these schools. They have to be paid but so be it, (laugh) you know. So, anyway, thanks, Senator Christensen. [LB516]

SENATOR CHRISTENSEN: Thank you. [LB516]

SENATOR ASHFORD: (See also Exhibits 8, 9) I think that closes the hearing. That's it. [LB516]