

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 335**

Introduced by Christensen, 44.

Read first time January 17, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to firearms; to authorize possession of firearms

2 as prescribed.

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

1           Section 1. (1) For purposes of this section, motor  
2 vehicle means any automobile, truck, minivan, sport utility vehicle,  
3 motorcycle, motor scooter, or any other vehicle required to be  
4 registered under state law when operated on the highways of this  
5 state.

6           (2) Except as otherwise provided in this section, any  
7 business entity, owner, manager, or legal possessor of real property,  
8 or public or private employer shall not establish, maintain, or  
9 enforce a policy or rule that prohibits or has the effect of  
10 prohibiting a person's transportation or storage of a firearm or  
11 ammunition when:

12           (a) The firearm or ammunition:

13           (i) Is kept from ordinary observation within the person's  
14 attended, privately-owned motor vehicle; or

15           (ii) Is kept from ordinary observation and locked within  
16 the trunk, glove box, or interior of the person's privately-owned  
17 motor vehicle or a container securely affixed to such vehicle; and

18           (b) The motor vehicle is operated or parked in a location  
19 where it is otherwise permitted to be.

20           (3) A person who is injured or incurs damages, or the  
21 survivors of a person killed, as a result of a violation of  
22 subsection (2) of this section may bring a civil action against any  
23 business entity, owner, manager, or legal possessor of real property,  
24 or public or private employer who committed or caused such violation.  
25 An employee who is denied the opportunity to transport or store a

1 firearm or ammunition by a policy or rule prohibited by subsection  
2 (2) of this section may bring a civil action to enjoin any business  
3 entity, owner, manager, or legal possessor of real property, or  
4 public or private employer from violating subsection (2) of this  
5 section. In any actions brought pursuant to this subsection, court  
6 costs and attorney's fees shall be awarded to the prevailing  
7 plaintiff.

8 (4) An employee terminated by a public or private  
9 employer for a violation of a policy or rule prohibited by subsection  
10 (2) of this section is entitled to full recovery as specified in  
11 subdivisions (a) through (c) of this subsection. If demand for the  
12 recovery has not been satisfied within forty-five calendar days after  
13 demand is made, the employee may bring a civil action against the  
14 public or private employer and shall be entitled to the following:

15 (a) Reinstatement to the same position held at the time  
16 of his or her termination from employment or an equivalent position;

17 (b) Reinstatement of the employee's full benefits and  
18 seniority rights, as appropriate; and

19 (c) Compensation, if applicable, for lost wages,  
20 benefits, or other lost remuneration caused by the termination.

21 (5) No business entity, owner, manager, or legal  
22 possessor of real property, or public or private employer shall be  
23 held liable in any civil action for damages, injuries, or death  
24 resulting from or arising out of another person's actions involving a  
25 firearm or ammunition transported or stored pursuant to subsection

1 (2) of this section, including, but not limited to, the theft of a  
2 firearm from an employee's or invitee's automobile, unless the  
3 business entity, owner, manager, or legal possessor of real property,  
4 or public or private employer intentionally solicited or procured  
5 such other person's injurious actions.

6 (6) This section applies notwithstanding the contrary  
7 application of any other law, except that this section shall not  
8 apply if:

9 (a) The person operating the motor vehicle is: (i)  
10 Prohibited from possessing, receiving, or transporting firearms under  
11 section 28-1206 or 18 U.S.C. 922, as such section existed on January  
12 1, 2013, or by any court order; (ii) in violation of section 28-1202;  
13 (iii) in violation of section 28-1203; (iv) in violation of section  
14 28-1204; (v) in violation of section 28-1204.04; (vi) in violation of  
15 section 28-1207; (vii) in violation of section 28-1212.03; or (viii)  
16 in violation of section 37-522; or

17 (b) The motor vehicle is on the grounds of an owner-  
18 occupied single-family detached residence or a tenant-occupied  
19 single-family detached residence;

20 (c) The motor vehicle is owned or leased by an employer  
21 and is being used by an employee during and in the course of the  
22 employee's duties on behalf of the employer; or

23 (d) The motor vehicle is located in any place where  
24 firearms are expressly prohibited by federal law.

25 (7) It is the intent of this section to reinforce and

1 protect the right of each citizen to lawfully transport and store  
2 firearms within his or her private motor vehicle for lawful purposes  
3 in any place where the motor vehicle is otherwise permitted to be.  
4 This section is to be liberally construed to effectuate this purpose.