

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB190

Hearing Date: Thursday January 22, 2015
Committee On: Judiciary
Introducer: Bloomfield
One Liner: Change concealed handgun permit application provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Seiler, Coash, Ebke, Krist, Morfeld, Williams
Nay: 2 Senators Chambers, Pansing Brooks
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:
SEN. DAVE BLOOMFIELD
ROD MOELLER

Representing:
INTRODUCER
NEBRASKA FIREARMS OWNER'S ASSOCIATION

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB190 would amend the Concealed Handgun Permit Act (Sections 69-2427 to 69-2449) to include the spouse of a member of the US Armed Forces in the list of potential applicants for a concealed handgun permit. As currently written, a member of the armed forces is a "resident" for purposes of the act, and could apply for a permit, but their spouse is not a "resident" for purposes of this act, and cannot apply for a concealed handgun permit.

Section 1 would amend Section 69-2433, to include military spouses and certain non-citizens in the application provisions for a concealed handgun permit.

Under 69-2433, an individual must be a resident of Nebraska for at least 180 days before applying for a concealed carry permit. Generally, an individual who maintains a permanent residence in a different state cannot be considered a resident of Nebraska for purposes of the concealed handgun permit. However, a member of the armed forces may maintain a residence in a different state, and still apply for a concealed handgun permit in Nebraska. A military spouse, however, is not currently able to apply for a concealed handgun permit in Nebraska.

On page 3, lines 3-4, LB190 would add: "The spouse of such applicant shall also be considered a resident of this state for purposes of this section"

Also, under the current Concealed Handgun Permit Act, an applicant for a concealed handgun permit must be a US citizen. As the act is written, a lawful permanent resident or other non-citizen lawfully present in the country could be a "resident" for purposes of the Act, but could not apply for a concealed handgun permit in Nebraska. In response to a lawsuit, the State Patrol has been ordered not to enforce the citizenship requirement.

LB190 would address the issue raised by that court case by adding "or an alien lawfully in the United States" on page 3, lines 19-20.

Explanation of amendments:

AM48 to LB190 would eliminate the requirement that an applicant for a concealed handgun permit be a citizen of the United States.

Les Seiler, Chairperson