

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 501

Introduced by Brewer, 43.

Read first time January 18, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend
2 section 69-2441, Reissue Revised Statutes of Nebraska, and section
3 69-2443, Revised Statutes Cumulative Supplement, 2016; to change a
4 provision relating to the prohibition on locations where a
5 permitholder may carry a concealed handgun; to change a penalty; and
6 to repeal the original sections.

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

1 Section 1. Section 69-2441, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere
4 in Nebraska, except any: Police, sheriff, or Nebraska State Patrol
5 station or office; detention facility, prison, or jail; courtroom or
6 building which contains a courtroom; polling place during a bona fide
7 election; meeting of the governing body of a county, public school
8 district, municipality, or other political subdivision; meeting of the
9 Legislature or a committee of the Legislature; financial institution;
10 professional or semiprofessional athletic event; building, grounds,
11 vehicle, or sponsored activity or athletic event of any public, private,
12 denominational, or parochial elementary, vocational, or secondary school,
13 a private postsecondary career school as defined in section 85-1603, a
14 community college, or a public or private college, junior college, or
15 university; place of worship; hospital, emergency room, or trauma center;
16 political rally or fundraiser; establishment having a license issued
17 under the Nebraska Liquor Control Act that derives over one-half of its
18 total income from the sale of alcoholic liquor; place where the
19 possession or carrying of a firearm is prohibited by state or federal
20 law; a place or premises where the person, persons, entity, or entities
21 in control of the property or employer in control of the property has
22 prohibited permitholders from carrying concealed handguns into or onto
23 the place or premises; or into or onto any other place or premises where
24 handguns are prohibited by state law.

25 (b) A financial institution may authorize its security personnel to
26 carry concealed handguns in the financial institution while on duty so
27 long as each member of the security personnel, as authorized, is in
28 compliance with the Concealed Handgun Permit Act and possesses a permit
29 to carry a concealed handgun issued pursuant to the act.

30 (c) A place of worship may authorize its security personnel to carry
31 concealed handguns on its property so long as each member of the security

1 personnel, as authorized, is in compliance with the Concealed Handgun
2 Permit Act and possesses a permit to carry a concealed handgun issued
3 pursuant to the act and written notice is given to the congregation and,
4 if the property is leased, the carrying of concealed handguns on the
5 property does not violate the terms of any real property lease agreement
6 between the place of worship and the lessor.

7 (2) If a person, persons, entity, or entities in control of the
8 property or an employer in control of the property prohibits a
9 permitholder from carrying a concealed handgun into or onto the place or
10 premises and such place or premises are open to the public, a
11 permitholder does not violate this section unless the person, persons,
12 entity, or entities in control of the property or employer in control of
13 the property has:

14 (a) Posted ~~posted~~ conspicuous notice that carrying a concealed
15 handgun is prohibited in or on the place or premises; and ~~or~~

16 (b) Has ~~has~~ made a request, directly or through an authorized
17 representative or management personnel, that the permitholder remove the
18 concealed handgun from the place or premises and the permitholder has
19 defied the request.

20 (3) A permitholder carrying a concealed handgun in a vehicle or on
21 his or her person while riding in or on a vehicle into or onto any
22 parking area, which is open to the public, used by any location listed in
23 subdivision (1)(a) of this section, does not violate this section if,
24 prior to exiting the vehicle, the handgun is locked inside the glove box,
25 trunk, or other compartment of the vehicle, a storage box securely
26 attached to the vehicle, or, if the vehicle is a motorcycle, a hardened
27 compartment securely attached to the motorcycle. This subsection does not
28 apply to any parking area used by such location when the carrying of a
29 concealed handgun into or onto such parking area is prohibited by federal
30 law.

31 (4) An employer may prohibit employees or other persons who are

1 permitholders from carrying concealed handguns in vehicles owned by the
2 employer.

3 (5) A permitholder shall not carry a concealed handgun while he or
4 she is consuming alcohol or while the permitholder has remaining in his
5 or her blood, urine, or breath any previously consumed alcohol or any
6 controlled substance as defined in section 28-401. A permitholder does
7 not violate this subsection if the controlled substance in his or her
8 blood, urine, or breath was lawfully obtained and was taken in
9 therapeutically prescribed amounts.

10 Sec. 2. Section 69-2443, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 69-2443 (1)(a) ~~(1)~~ A permitholder who violates subsection (1) or
13 (2) of section 69-2440, subsection (1), (3), (4), or (5) of ~~or~~ section
14 69-2441, or section 69-2442 is guilty of a Class III misdemeanor for the
15 first violation and a Class I misdemeanor for any second or subsequent
16 violation.

17 (b) A permitholder who violates subsection (2) of section 69-2441 is
18 guilty of a Class III misdemeanor.

19 (2) A permitholder who violates subsection (3) of section 69-2440 is
20 guilty of a Class I misdemeanor.

21 (3) A permitholder convicted of a violation of section 69-2440 or
22 69-2442 may also have his or her permit revoked.

23 (4) A permitholder convicted of a violation of section 69-2441 that
24 occurred on property owned by the state or any political subdivision of
25 the state may also have his or her permit revoked. A permitholder
26 convicted of a violation of section 69-2441 that did not occur on
27 property owned by the state or any political subdivision of the state
28 shall not have his or her permit revoked for a first offense but may have
29 his or her permit revoked for any second or subsequent offense.

30 Sec. 3. Original section 69-2441, Reissue Revised Statutes of
31 Nebraska, and section 69-2443, Revised Statutes Cumulative Supplement,

1 2016, are repealed.