One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB478

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing: March 01, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

A person convicted of a felony are not allowed to possess firearms, knives or brass and iron knuckles under Neb Rev Stat 28-1206. In Nebraska Supreme Court Case, State v. Gozzola, 273 Neb. 309 (2007), the Nebraska Supreme Court ruled that unless the weapon was specifically mentioned in the law, possession was not prohibited. As archery equipment is not specifically mentioned in 28-1206, many persons who have completed their sentences engaged in archery as a recreational hobby or used archery equipment to hunt and supplement their food supply.

However, the Nebraska Game and Parks Commission was recently advised that while a bow might not be listed in statute, the arrow might fall under the very broad definition of knife under 28-1201(5) which reads that "Knife means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds." This broad definition could make people who have completed their sentence and are engaging in a hobby or supplementing their food guilty of another crime.

LB 478 clarifies existing law by specifically allowing felons the possession of archery equipment, including arrows. Further, if the person is in possession of a valid recreational hunting license, the bill further allows possession of a knife for the purposes of butchering, dressing or otherwise processing or harvesting game, fish or furs.

The bill defines archery equipment and arrows for clarification of what is allowable. It defines a recreational license, clarifies harassment protection order, and provides some cleanup in the statute.

Principal Introducer: _____

Senator Mike Groene