

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 116

Introduced by McCollister, 20.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to firearms; to amend sections 69-2404,
2 69-2405, 69-2406, 69-2426, and 69-2432, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to handgun transfer
4 certificates; to change a fee; to provide for dissemination of
5 information regarding firearm safety and suicide prevention and
6 require suicide prevention training; to change provisions relating
7 to appeals; to provide penalties; to define a term; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-2404 Any person desiring to purchase, lease, rent, or receive
4 transfer of a handgun shall apply with the chief of police or sheriff of
5 the applicant's place of residence for a certificate. The application may
6 be made in person or by mail. The application form and certificate shall
7 be made on forms approved by the Superintendent of Law Enforcement and
8 Public Safety. The application shall include the applicant's full name,
9 address, date of birth, and country of citizenship. If the applicant is
10 not a United States citizen, the application shall include the
11 applicant's place of birth and his or her alien or admission number. If
12 the application is made in person, the applicant shall also present a
13 current Nebraska motor vehicle operator's license, state identification
14 card, or military identification card, or if the application is made by
15 mail, the application form shall describe the license or card used for
16 identification and be notarized by a notary public who has verified the
17 identification of the applicant through such a license or card. An
18 applicant shall receive a certificate if he or she is twenty-one years of
19 age or older and is not prohibited from purchasing or possessing a
20 handgun by 18 U.S.C. 922. A fee of ten ~~five~~ dollars shall be charged for
21 each application for a certificate to cover the cost of a criminal
22 history record check.

23 Sec. 2. Section 69-2405, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 69-2405 (1) Upon the receipt of an application for a certificate,
26 the chief of police or sheriff shall issue a certificate or deny a
27 certificate and furnish the applicant the specific reasons for the denial
28 in writing. The chief of police or sheriff shall be permitted up to five
29 ~~three~~ days in which to conduct an investigation to determine whether the
30 applicant is prohibited by law from purchasing or possessing a handgun.
31 If the certificate or denial is mailed to the applicant, it shall be

1 mailed to the applicant's address by first-class mail within the five-day
2 three-day period but no sooner than forty-eight hours after receipt of
3 the application. If it is determined that the purchase or possession of a
4 handgun by the applicant would be in violation of applicable federal,
5 state, or local law, the chief of police or sheriff shall deny the
6 certificate.

7 (2) In computing the five-day three-day period, the day of receipt
8 of the application shall not be included and the last day of the five-day
9 three-day period shall be included. The five-day three-day period shall
10 expire at 11:59 p.m. of the fifth third day unless it is a Saturday,
11 Sunday, or legal holiday in which event the period shall run until 11:59
12 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.

13 (3)(a) Subject to subdivision (3)(b) of this section, no No later
14 than the end of the five-day three-day period the chief of police or
15 sheriff shall issue or deny such certificate and, if the certificate is
16 denied, furnish the applicant the specific reasons for denial in writing.

17 (b) A certificate shall not be issued sooner than forty-eight hours
18 after receipt of the application.

19 (4) When issuing any certificate under this section, the chief of
20 police or sheriff shall include with the certificate informational
21 materials regarding suicide prevention and firearm safety. Such materials
22 shall provide evidence-based information aligned with best practices in
23 suicide prevention.

24 (5) No civil liability shall arise to any law enforcement agency if
25 such law enforcement agency complies with sections 69-2401, 69-2403 to
26 69-2408, and 69-2409.01.

27 Sec. 3. Section 69-2406, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 69-2406 Any person who is denied a certificate, whose certificate is
30 revoked, or who has not been issued a certificate upon expiration of the
31 five-day three-day period in section 69-2405 may appeal within ten days

1 ~~of receipt of the denial or revocation~~ to the county court of the county
2 of the applicant's place of residence. The appeal shall be filed within
3 ten days after receipt of the denial or revocation or, in the case of a
4 certificate not issued within the five-day period in section 69-2405,
5 within ten days after expiration of such period. The applicant shall file
6 with the court the specific reasons for the denial or revocation by the
7 chief of police or sheriff and pay a filing fee of ten dollars in lieu of
8 any other filing fee required by law. The court shall issue its decision
9 within thirty days of the filing of the appeal.

10 Sec. 4. Section 69-2426, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923:

13 (a) Shall Dealers of firearms shall distribute to all firearm
14 purchasers information developed by the Department of Health and Human
15 Services regarding the dangers of leaving loaded firearms unattended
16 around children; and -

17 (b) May distribute to any firearm purchaser other informational
18 materials regarding suicide prevention and firearm safety, including
19 materials that provide evidence-based information aligned with best
20 practices in suicide prevention.

21 (2) There is hereby created the Firearm Information Fund. Private
22 contributions shall be credited by the State Treasurer to such fund for
23 the implementation of the provisions of this section.

24 Sec. 5. Section 69-2432, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 69-2432 (1) The Nebraska State Patrol shall prepare and publish
27 minimum training and safety requirements for and adopt and promulgate
28 rules and regulations governing handgun training and safety courses and
29 handgun training and safety course instructors. Minimum safety and
30 training requirements for a handgun training and safety course shall
31 include, but not be limited to:

- 1 (a) Knowledge and safe handling of a handgun;
- 2 (b) Knowledge and safe handling of handgun ammunition;
- 3 (c) Safe handgun shooting fundamentals;
- 4 (d) A demonstration of competency with a handgun with respect to the
- 5 minimum safety and training requirements;
- 6 (e) Knowledge of federal, state, and local laws pertaining to the
- 7 purchase, ownership, transportation, and possession of handguns;
- 8 (f) Knowledge of federal, state, and local laws pertaining to the
- 9 use of a handgun, including, but not limited to, use of a handgun for
- 10 self-defense and laws relating to justifiable homicide and the various
- 11 degrees of assault;
- 12 (g) Knowledge of ways to avoid a criminal attack and to defuse or
- 13 control a violent confrontation;~~and~~
- 14 (h) Knowledge of proper storage practices for handguns and
- 15 ammunition, including storage practices which would reduce the
- 16 possibility of accidental injury to a child; and -
- 17 (i) Suicide prevention training. Such training shall consist of
- 18 evidenced-based information aligned with best practices in suicide
- 19 prevention.
- 20 (2) A person or entity conducting a handgun training and safety
- 21 course and the course instructors shall be approved by the patrol before
- 22 operation. The patrol shall issue a certificate evidencing its approval.
- 23 (3) A certificate of completion of a handgun training and safety
- 24 course shall be issued by the person or entity conducting a handgun
- 25 training and safety course to persons successfully completing the course.
- 26 The certificate of completion shall also include certification from the
- 27 instructor that the person completing the course does not suffer from a
- 28 readily discernible physical infirmity that prevents the person from
- 29 safely handling a handgun.
- 30 (4) Any fee for participation in a handgun training and safety
- 31 course is the responsibility of the applicant.

1 Sec. 6. Original sections 69-2404, 69-2405, 69-2406, 69-2426, and
2 69-2432, Reissue Revised Statutes of Nebraska, are repealed.