

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 173

Introduced by Hansen, B., 16.

Read first time January 08, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to firearms; to amend section 28-1202, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 carrying a concealed weapon; to define a term; to harmonize
- 4 provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-1202 (1)(a) Except as otherwise provided in this section, any
4 person who carries a weapon or weapons concealed on or about his or her
5 person, such as a handgun, a knife, brass or iron knuckles, or any other
6 deadly weapon, commits the offense of carrying a concealed weapon.

7 (b) It is an affirmative defense that the defendant was engaged in
8 any lawful business, calling, or employment at the time he or she was
9 carrying any weapon or weapons and the circumstances in which such person
10 was placed at the time were such as to justify a prudent person in
11 carrying the weapon or weapons for the defense of his or her person,
12 property, or family.

13 (2) This section does not apply to a person who is the holder of a
14 valid permit issued under the Concealed Handgun Permit Act if the
15 concealed weapon the defendant is carrying is a handgun.

16 (3)(a) This section does not apply to possessing, carrying,
17 transporting, shipping, or receiving a firearm for any lawful purpose to
18 or from any place where such firearm may be lawfully possessed or carried
19 by a person if such firearm is unloaded and stored in a case and such
20 person is not otherwise prohibited by state or federal law from
21 possessing, carrying, transporting, shipping, or receiving a firearm.

22 (b) For purposes of this subsection, case means (i) a hard-sided or
23 soft-sided box, container, or receptacle intended or designed for the
24 purpose of storing or transporting a firearm or (ii) the firearm
25 manufacturer's original packaging.

26 (4) (3) Carrying a concealed weapon is a Class I misdemeanor.

27 (5) (4) In the case of a second or subsequent conviction under this
28 section, carrying a concealed weapon is a Class IV felony.

29 Sec. 2. Original section 28-1202, Reissue Revised Statutes of
30 Nebraska, is repealed.