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**LATHROP:** We will begin. And before LB13 is introduced, I'm going to read through the process just so that everybody has it and we've made the record before our hearings this morning. Good, good morning and welcome to the Judiciary Committee. My name is Steve Lathrop. I represent Legislative District 12 and I am also the Chair of Judiciary Committee. Committee hearings are an important part of the legislative process. Public hearings provide an opportunity for legislators to receive input from Nebraskans. This important process, like so much of our daily lives, is complicated by COVID. To allow for input during the pandemic, we have some new options for those wishing to be heard. I would encourage you to consider taking advantage of the additional methods of sharing your thoughts and opinions. For a complete list of the four available options, go to the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). We will be following COVID-19 procedures this session. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you enter the hearing room only when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist the committee and transcribers in clearly hearing and understanding the testimony. Pages will be sanitizing the front table and chair in between testifiers. When public hearings reach seating capacity or near capacity, the entrance will be monitored by the Sergeant at Arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to hearing-- waiting to enter the hearing room are asked to observe social distancing and wear a face covering while waiting. The Legislature does not have the availability of an overflow room, which we've talked about. Everybody's piling up in the hallway, unfortunately, because of the HVAC system. Our hearings with large attendance, such as today, we request only testifiers enter the hearing room. We also ask that you please limit or eliminate handouts. Due to COVID concerns, we're providing two options this year to testify at a committee hearing. First, you may drop off written testimony prior to the hearing. Please

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note the following four requirements must be met. Submission of written testimony will only be accepted on the day of the hearing between 8:30 and 9:30 in this, the hearing room. Two, individuals must present the written testimony in person and fill out testifier sheets. Three, the testifier must submit at least 12 copies of their written testimony. And four, testimony must be a written statement no more than two pages, single-spaced or four pages, double-spaced in length. No additional handouts or letters may be included. This written testimony will be handed out to each member of the committee during the hearing and will be scanned into the official hearing transcript only if those four requirements are met. And as always, persons attending public hearings will have an opportunity to give verbal testimony. On the table inside the doors, you will find yellow testifier sheets. Fill out a yellow testifier sheet only if you're actually testifying before the committee. Please print legibly. Hand the yellow testifier sheet to the page as you come forward to testify. There's also a white sheet on the table if you do not wish to testify, but would like to record your position on a bill. This sheet will be included as an exhibit in the official hearing record. If you are not testifying or submitting written testimony in person and would like to submit a position letter for the official record, all committees have a deadline of 12:00 noon the day before the last workday before a hearing. Position letters will only be accepted by way of the Judiciary Committee's email address posted on the Legislature's website or delivered to my office prior to the deadline. Keep in mind, you may submit a letter for the record or testify at a hearing, but not both. Position letters will be included in the hearing record as exhibits. We begin each bill hearing today with the introducer's opening statement, followed by proponents for 30 minutes, then opponents for 30 minutes, and finally, anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask that you begin your testimony by giving us your first and last name and spell them for the record. If you have copies of your testimony, bring up at least 12 copies and give them to the page. If you are submitting testimony on someone else's behalf, you may submit it for the record, but you'll not be allowed to read it. We will be using the three-minute light system. When you begin your testimony, the line on the table will turn green. The yellow light is your one-minute warning and when the red light comes on, we ask that you wrap up your final thought and stop. As a matter of committee policy, I'd like to remind everyone the use of cell phones

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and other electronic devices is not allowed during public hearings, though you may see senators using them to take notes or stay in contact with staff. And at this time, I'd encourage everyone to look at their cell phone to make sure it's in the silent mode. A couple more things. No verbal outbursts or applause are permitted in the hearing room. We've gone paperless this year in the Judiciary Committee so you may notice senators on their laptops, they're just following along, reading bills and so forth on those laptops. And finally, you may see committee members coming and going. That has nothing to do with how they regard the importance of the bill under consideration. But senators may have bills to introduce in other committees or have other meetings to attend to. And with that, we'll have the committee introduce themselves, beginning with Senator DeBoer.

**DeBOER:** Good morning, everyone, my name is Wendy DeBoer. I represent District 10, which is Bennington and parts of northwest Omaha.

**BRANDT:** Good morning, I'm Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

**PANSING BROOKS:** Good morning. Patty Pansing Brooks. I represent Legislative District 28 right here in the heart of Lincoln and I'm the Vice Chair of Judiciary.

**MORFELD:** Good morning, my name's Adam Morfeld, District 46, northeast Lincoln.

**SLAMA:** Good morning. Julie Slama, District 1: Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**McKINNEY:** Good morning. Terrell McKinney, District 11, north Omaha.

**GEIST:** Good morning. Suzanne Geist, District 25, which is the east side of Lincoln and Lancaster County.

**LATHROP:** Thank you, colleagues. Assisting the committee today are Laurie Vollertsen, our committee clerk; and Josh Henningsen, one of our two legal counsel. Our pages this morning are Ryan Koch and Mason Ellis, both students at UNL. We appreciate them being here and their help today. And with that, we will take Senator Blood and the introduction of LB13. Senator Blood, welcome to the Judiciary Committee.

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**BLOOD:** Thank you, Chair Lathrop and good morning to all, the entire committee. My name is Senator Carol Blood. And that is spelled C-a-r-o-l B as in boy -l-o-o-d as in dog, and I represent District 3 which is western Bellevue and southeastern Papillion, Nebraska. And I thank you for the opportunity today to speak a little bit about LB13. So LB13 is only an effort to restore uniformity to the treatment of the three different types of protection orders and defining persons who are prohibited from having a deadly weapon in their possession. Under existing law, our state recognizes and enforces issued protection orders from other states. And this is explicitly stated for domestic violence, violence protection orders in 42-931. As a result of adjustments to the statute in 2017, existing statutory language was moved around in a way that left out enforcement of gun prohibitions for the violation of domestic violence protection orders issued in another state. You can see in LB13 the existing statutory language in (6) (c) for harassment protection orders on page 4 of the bill, lines 13 through 14, includes a second clause that refers to "protection orders issued by a court in any other state or a territory, possession, or tribe." You can see the same clause in (6) (e) for sexual assault protection orders, page 4, lines 20 through 23. However, no such reference exists for domestic violence protection orders issued in other states. And that's all the only thing that LB13 is seeking to restore. It's very simple, yet a needed change that was previously overlooked. In 2017, when several changes were proposed to the statute, the language was rearranged in such a way that eliminated the reference to foreign domestic violence protection orders and LB13 simply adds the reference back in. The result of this lack of uniformity among the different types of protection orders is that prosecutors have the ability to charge an individual with a gun possession charge when the individual is violating a harassment protection order or a sexual assault protection order that was issued by a court in another state, territory, possession, or tribe. However, an individual who is subject to a validly issued domestic violence protection order issued outside of a Nebraska court cannot currently be charged with the violation of 28-1206 if they possess a firearm or other listed weapon while violating that order because of the language being mistakenly changed back in 2017. This has led to a recent situation in which a person was cited for violation in Nebraska of a domestic violence protection order from Colorado. Such person had a gun in their possession but was unable to be prosecuted under 28-1206 because this specific gun prohibition statute now only recognizes

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violations under domestic violence protection orders issued in Nebraska. LB13 is not intended to be a change in policy around gun prohibitions, but instead a continuation and uniform application of gun prohibitions between domestic violent protection-- violence protection orders issued in Nebraska and those issued in other jurisdictions to which we already, we already accord full faith and credit by the courts of the state. You can see that in 42-931. LB13 is a simple fix that provides for uniform enforcement of all three types of protection orders in our state regarding gun prohibition. LB13 informs survivors of domestic abuse who flee to our state that they can expect that we have their back and that we will be diligent making sure there are no unintended loopholes in state statute that might endanger them. With that, I would encourage you to save your questions for people who are smarter than me in this area and are behind me to testify in favor of this bill.

**LATHROP:** Well, with that, I don't expect any questions, Senator, but we appreciate your introduction. And we'll begin with proponent testimony.

**BLOOD:** Thank you.

**LATHROP:** Good morning.

**ROBERT SANFORD:** Good morning, Chairman Lathrop, members of the Judiciary Committee. My name is Robert Sanford, R-o-b-e-r-t S-a-n-f-o-r-d, and I am the legal director for the Nebraska Coalition to End Sexual and Domestic Violence. The Nebraska Coalition is here today to support LB13, a bill that Senator Blood introduced to fix a technical issue in 28-1206. In December, a Lancaster County prosecutor informed me that she could no longer prosecute violations of 28-1206 related to a domestic abuse protection order when it was issued outside of Nebraska. I believe she submitted written testimony today on behalf of this bill. After reviewing the legislative history for 28-1206, we realized that changes came about in 2017 because of LB289 and LB478. This change seems to be an error that caused this problem. As Senator Blood noted, prior to the passage of LB289 and LB478, 28-1206 had a floor requirement to enforce foreign protection orders. I would note that the reference to 28-311.10 was previously seen as a baseline to measure any protection order issued outside of Nebraska district courts. And a domestic abuse protection order would certainly exceed an order, meeting the requirements of 28-311.10. When it was

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drafted, LB478 split the domestic abuse and harassment protection orders into two separate definitions and left the language at the end related to foreign protection orders attached to the newly created definition of a harassment protection order under 28-1206. That clarifying language of foreign orders was not needed in 2016, but in-- but 478-- LB478 seems to have led courts to believe that it is now necessary to order-- in order to consider foreign domestic abuse protection orders for 28-1206 violations. LB289, the other bill I mentioned, incorporated this language from LB478 by amendment and, and added the sexual assault protection order to that language. We are now in a place where prosecutors cannot charge a 28-1206 violation when that violation occurred with a foreign domestic abuse protection order. LB13 is strictly a technical fix to current law. The Nebraska Coalition would like to thank Senator Blood and we urge you to fix this error by passing LB13. Thank you.

**LATHROP:** I see no questions. Thank you, Mr. Sanford.

**ROBERT SANFORD:** Thank you.

**LATHROP:** Next proponent. Good morning and welcome.

**CHRISTON MacTAGGART:** Good morning, good after-- or good morning, sorry, not afternoon yet, Chairperson Lathrop, members of the Judiciary Committee. My name is Christon MacTaggart, C-h-r-i-s-t-o-n, last name, M-a-c-T-a-g-g-a-r-t. I'm the Freedom From Violence project director at Women's Fund of Omaha here to testify in support of LB13. The research on domestic violence and guns is clear. There's a fact sheet that I have provided you attached to my testimony, so I won't belabor the points. The statistics on there are sobering at best and horrifying at worst. Despite this, most individuals subject to a protection order in Nebraska are actually not prohibited from having weapons. And there's two ways that firearms are prohibited under protection orders through federal law and state law. And I want to provide some-- briefly some context on those before I address this bill, specifically. The first way with regards to federal law, the order must comply with four specific components in order to be a qualified order and prohibit someone. I'm happy to talk more specifically about those four components. But in Nebraska, this generally means that only orders that this applies to are domestic abuse protection orders between intimate partners with very specific relationships. In 2020, this applied to approximately 36 percent of

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protection orders in Nebraska. Those are entered into NCIC, the federal system utilized to track this for law enforcement and for firearm purchases. The second way is under Nebraska law. So primarily for statute 28-1206. If someone's in possession of a weapon and they're violating a Nebraska protection order, they can be charged with possession of a deadly weapon. That "and" is really important because this is only a crime if a person has an order against them and they are actively violating it with a weapon. It does not prohibit somebody in the course of their daily life from firearms possession. This bill pertains to the second area, state law. So LB13 would add language including foreign protection orders to 28-1206. Foreign protection orders are those issued in another state, territory, or tribe. They're reviewed by a judge. They're granted by the court. They're defined in Nebraska statute and they're recognized and enforced in the exact same manner as Nebraska-issued orders. The only exception to this is the one this bill remedies and was an accidental exception created by a previous bill that moved the language around, seemingly without intent to do so. LB13 addresses this drafting error and ensures someone violating a foreign order with the weapon is responded to in the same manner as if they violated an order issued in the state. Nebraska protection orders are not highly restrictive, typically, and often just direct someone not to harass or contact a victim. So when someone actively violates a protection order with a firearm, that's an escalated and dangerous situation for the victim. And even more so if someone crosses state lines or travels to violate it. It's actually clear Nebraska's pretty lenient on firearms and protection orders. And considering severity of the situation, this proposed change we believe is common sense, would apply to situations where there's already a high potential for danger to the victim. We encourage your support of LB13 and advancement to General File. And I'm happy to answer any questions you might have.

**LATHROP:** OK. I don't see any questions this morning,--

**CHRISTON MacTAGGART:** OK.

**LATHROP:** --but thanks for being here for your testimony. Next proponent. Good morning.

**COARISSA DENNIS:** Good morning. My name's Coarissa Dennis, C-o-a-r-i-s-s-a D-e-n-n-i-s. I'm here in favor of LB13. According to the Educational Fund to Stop Gun Violence, the following information

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is from multiple studies. A research article in 2019 from Injury Epidemiology states nearly half of all women killed in the U.S. are murdered by a current or former intimate partner, and nearly half of these intimate partner homicides are by firearm. Women are five times more likely to be murdered by an abusive partner when the abuser has access to a gun. According to an article in 2019 from the Journal of American Academy of Psychiatry and the Law, more than one in four homicides in the U.S. are related to domestic violence. Another research article titled Stalking an Intimate Partner Femicide states the majority of femicide victims is 76 percent. And of attempted femicide victims, 85 percent experienced stalking in the first 12 months leading up to their homicide or homicide attempt. Femicide is the killing of a female specifically by a male. Another research article from the Journal states even when a weapon is not discharged, abusers often use the mere presence of a gun to coerce, threaten, and terrorize their victims, inflicting enormous psychological damage. I urge you to take all of this information into consideration and think about the victims. I have personal friends who have fled the state that they lived in due to abuser, and they have followed them there and they've had weapons. And no law applies to them getting in trouble because there's no protection order in the other state. Thank you.

**LATHROP:** Thank you. Thank you for your testimony and coming down here today.

**JIM MAGUIRE:** Chairman Lathrop, members of the Judiciary Committee, good morning. My name is Jim Maguire, J-i-m M-a-g-u-i-r-e. I'm here representing the Omaha Police Officers Association. Full disclosure, I'm also president of the Nebraska Fraternal Order of Police. We're here to support LB13. In a nutshell, cops love clarity. This bill removes the guesswork and makes clear if someone has a protection order within Nebraska or not, they cannot have in his or her possession a deadly weapon. It's, it's pretty simple, clear cut. And we're just asking for the, for the committee to support this bill and recommend it for General File. Thank you.

**LATHROP:** Jim, can I ask you just a sort of a background question?

**JIM MAGUIRE:** Sure.



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**LATHROP:** If you pulled somebody over, how can you tell if they have a protection order, and they have a gun, for example, how can you tell if they got a protection order in Colorado?

**JIM MAGUIRE:** So and if it's within NCIC and you run, and you run them in on the, the computer, it should pop up saying that this person's a prohibited person.

**LATHROP:** And, and is the federal law that was referenced by Senator Blood require that all of the states put that kind of information into this database?

**JIM MAGUIRE:** That's a great question, that I, I don't know off the top of my head. I'd have to do some research to, to find that out.

**LATHROP:** OK, that's all the questions I had. And I don't see any others. Thanks for being here today.

**JIM MAGUIRE:** Sure.

**\*DANIELLE SAVINGTON:** Good afternoon Senators, Honorable Chair, thank you for your presence in the committee today to hear the voices of Nebraska's Second House. My name is Danielle Savington, I am a resident from District 14, here in Sarpy County. I wish I could be there in person today, but due to the continuing pandemic concerns, and to do my part in limiting exposure for others, I am submitting my comments today on behalf of Nebraskans Against Gun Violence via written testimony. I ask that these comments be made part of the record and incorporated into today's hearing. Nebraskans Against Gun Violence is an organization founded on the principle that the validity of Second Amendment freedoms is predicated on gun control measures that reflect the reasonable expectation of responsible ownership and usage of firearms. LB13 is an ideal measure to couple the right of non-prohibited gun owners to exert their Second Amendment right while also ensuring that vulnerable individuals have the same protection in our state as they would have in the origin state of a validly executed protection order. Closing the loophole to provide clarity and consistency should always be a goal when contemplating legislation. Doing so helps to prevent confusion among the least sophisticated persons who may interact with a particular law. This bill clarifies that those fleeing harassment or partner violence are able to entrust Nebraska to uphold the determinations made by lawful courts of other

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jurisdictions. It should not take scholarly interpretation of state code for you to know that Nebraska law enforcement has the power to make your abuser stay away when you have an order from a judge demanding they do so. Regardless of where that judge's bench may sit. Likewise, it should not be a mystery to the subject of a protection order that Nebraska will have the same expectation of adherence to the court's order even if the court isn't located in Nebraska. Nebraska has many "sister cities," where residents may move back and forth between state boundaries for work, school, and home. It is vital that the rules and protections be unmistakably clear so there is no room for misunderstandings or wiggle room on the part of abusive individuals. LB13 is an opportunity to very succinctly close a loophole that can lead to serious harm if left undone. That it accomplishes its goals without impacting Due Process or the Second Amendment is a testament to the type of appropriate gun control measures necessary to ensure rights and safety are prioritized by this body. Again, thank you all for your service.

\*ASHLEY BOHNET (STARK): Chairman Lathrop and Members of the Judiciary Committee: My name is Ashley Bohnet (Stark). I am a deputy county attorney in Lancaster County, Nebraska. I am assigned to the felony domestic violence docket and have been assigned to this docket for over a year. I am testifying on behalf of the Lancaster County Attorney's Office in support of LB13. This bill corrects an oversight regarding domestic violence protection orders under Neb.Rev.Stat. 28-1206. Neb.Rev.Stat. 28-1206 governs possession of a deadly weapon by a prohibited person. That statute states that a person is prohibited from possessing a deadly weapon, in part, if he or she is a subject of a valid domestic violence protection order and/or harassment protection order. The definition of domestic violence protection order and harassment protection order are then found under subsection (6) of this statute. There, it states that a domestic violence protection order is only valid under Neb.Rev.Stat. 42-924. This is less broad than the harassment protection order which includes Nebraska statute but also includes protection orders issued by a court in any other state as long as it meets or exceeds the Nebraska statute criteria. There is no rational or explanation to include out of state harassment protection orders but limit domestic violence protection orders to Nebraska. Rather this appears to be an oversight that can be corrected with LB 13. Because of this oversight, individuals who are prohibited from possessing a firearm or other deadly weapon under a

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domestic violence protection order in another state are not prohibited persons from possessing a deadly weapon under Nebraska law. This exact situation occurred in Lancaster County. An individual had a domestic violence protection order in Colorado that stated he could not possess a firearm. Despite that protection order, that individual possessed a firearm in Nebraska for an extended period of time. Once this was discovered, the only charge that could be brought was Violate a Foreign Protection Order, under Neb.Rev.Stat. 42-924(4), a class 1 misdemeanor. The individual posted bond and days after being released from jail, he stole two firearms from his roommate, who had filed a domestic violence protection order against him. Thankfully, the firearms were recovered and the individual was lodged in jail for Possession of a Stolen Firearm. I should note that this does not hinder anyone's right to access a firearm. Another state or territory has already found that this person is prohibited from possessing a firearm or other deadly weapon. Rather, LB13 helps to validate other states' protection orders. It ensures that those domestic violence protection orders in other states have the same weight as domestic violence protection orders in Nebraska. It ensures that victims in other states are protected as well. Individuals who are prohibited from possessing firearms or other deadly weapons in cases of domestic violence should be held accountable as these are individuals who can be dangerous. Validating other states' protection orders helps to ensure victim safety and defendant accountability. Thank you.

**\*GEORGE WELCH:** Chairperson Lathrop and members of the Judiciary Committee, my name is George Welch. I am an Assistant Attorney General with the Nebraska Attorney General's Office. I am assigned to the Criminal Bureau and prosecute crimes of domestic violence and sexual assault throughout the State of Nebraska. I write today as the representative for the Attorney General's Office in support of LB13. Besides making a report to law enforcement, victims of domestic violence are encouraged to file for an order of protection whenever an abusive situation arises. Victims are then often advised, or forced out of necessity, to relocate to a family member or friend's home for safety and support. This relocation may bring them from another state or jurisdiction into Nebraska. LB13 will prohibit respondents of domestic violence protection orders that are current and validly issued in another state or jurisdiction from possessing deadly weapons in Nebraska. Neb. Rev. Stat. §28-1206 currently bars a respondent of a validly issued harassment or sexual assault protection order which was

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"issued by a court in any other state or a territory, possession, or tribe" from possessing a firearm, knife or brass or iron knuckles in Nebraska. However, under a plain reading of this statute, a person who has been served a domestic violence protection order from another state can legally possess these deadly weapons in Nebraska. LB13 fixes this oversight and uses language that already exists within Neb. Rev. Stat. §28-1206 to prohibit respondents of out-of-state domestic violence protection orders from deadly weapon possession. This bill is a common-sense expansion of the existing statute that rectifies an inequity among the protection orders as they apply to prohibited persons. It will make Nebraska safer. Victims of domestic violence deserve protection, no matter where the abuse originally occurred. By prohibiting respondents of out-of-state domestic violence protection orders from possessing deadly weapons, law enforcement, prosecutors, and the courts will be able to better hold offenders accountable for their actions and provide safety and security for those victims in our society most in need. Thank you.

**LATHROP:** Anyone else here as a proponent of LB13? Seeing none, we will take opponent testimony. If you're here in opposition to LB13, you may come forward. See-- OK. Good morning and welcome.

**RANDY J. BENDORF:** Good morning, Chairman Lathrop. I just wanted to--

**LATHROP:** We got to have you start with your name and spell it for us. OK?

**RANDY J. BENDORF:** My name is Randy J. Bendorf, R-a-n-d-y B as in boy -e-n-d-o-r-f as in Frank from Papillion.

**LATHROP:** Great. Thank you.

**RANDY J. BENDORF:** And I just-- I wanted to add a little foreshadowing that I did work with the Christian Coalition for years as an armed guard protecting the pastors as well as domestic abuse victims. And I'm very good friends with a lot of the [INAUDIBLE]. So all I was asking for is a little specificity in this law. When I first read it, the first blush, I was like, that's, that's great, great addition. Makes it a little easier. And I agree with the officer. The problem was when I went to look up other states that they're a lot different on what type of proof. So they had these emergency issues and interims. And to do that with some are really vague. So and some are

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just businesses against businesses. And the one that really got me why I became an opponent was there are states that you don't have to notify the other person so that person could have no knowledge of it. So they did go on the NCIC, the background check, they had no knowledge of it came in Nebraska. They could be committing a felony without knowledge. So all I wanted was an amendment in there, not more legally to make it more complicated, but an amendment that standardizes what defines from another state that comes in that is in support of our existing law, the definition of our existing law. Now if it was plenary, it was already decided, yeah, that, that should be just a hands down that it reciprocates. But it would be nice to have some language, some verbiage in there to define how that was done in another state and also I would add I've never had a protection order against me or anything but I just like laws that are a little more detailed when they come from another state, because there's certainly no standardization on the laws from other states. And really, that's, that's about it.

**LATHROP:** OK. Any questions? I see none. Thank you. Appreciate your point.

**RANDY J. BENDORF:** Thank you.

**LATHROP:** Anyone else here in opposition? Anyone here in a neutral capacity? Seeing none, Senator Blood, you may close. We do have position letters, 15, in fact, 13 of our position letters as proponents, two in opposition, and none in the neutral capacity. We also have written testimony from the following: George Welch, Nebraska Attorney General, is a proponent; Ashley Bohnet Stark, Lancaster County Attorney's Office, is a proponent; and Danielle Savington, Nebraskans Against Gun Violence, is also a proponent. You may close.

**BLOOD:** So I'm going to briefly drill this down because I know you have a very long day ahead of you. It's a simple bill, a simple fix. It is, as you can tell by the proponents, wanted by law enforcement, wanted by our county and state attorneys' offices. It is not an anti-gun bill. And, and to be very frank, I find it a bit offensive that it was promoted as such. This is not about taking away somebody's guns. This is not about eliminating their freedoms. This is about fixing statute that was mistakenly changed. And that is the only thing it is about and protecting victims. And if victims are not our priority, then I

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don't, I don't know what takes-- what, what is more important than our  
victims and making sure that they are protected.

**LATHROP:** OK. Senator Blood, I do not see any questions. Thanks for  
bringing LB13 to the Judiciary Committee.

**BLOOD:** My pleasure. Thank you so much for your time.

**LATHROP:** Certainly. That will close our hearing on LB13. And we will,  
as I announced, clear the hearing room and begin our joint hearing on  
LB85 and LB244 momentarily.

**LATHROP:** Can't tell if that's everybody, it seemed like there was more  
interest than this in the hallway. Is that everybody? Because this is  
our last bill of the morning, we're going to let some of the people  
that are standing in the hallway sit in chairs as long as we have all  
the proponents and opponents in the room already. So we'll wait just a  
little bit longer, Senator.

**BOSTELMAN:** That's fine.

**LATHROP:** [RECORDER MALFUNCTION] going to do next is have hearings on  
LB85 and LB244. They've been combined because of their similar subject  
matter. We've done that in a handful of cases, it helps sort of allow  
people to come up and talk about both bills because they generally,  
probably have an opinion about both. And so we will have Senator  
Bostelman introduce LB85, followed by Senator Clements. Then we will  
take proponent testimony for up to a half hour and then opponent  
testimony for up for a half hour. And then these two senators will  
close after neutral testimony.

\_\_\_\_\_: [INAUDIBLE] if you are in a different category for  
each bill--

**LATHROP:** You can make that clear when you come up.

\_\_\_\_\_: OK.

**LATHROP:** And with that, Senator Bostelman, welcome.

**BOSTELMAN:** Thank you. Good morning, Senator Lathrop and members of the  
Judiciary Committee. My name is Bruce Bostelman. I spell that  
B-r-u-c-e B-o-s-t-e-l-m-a-n, and I represent Legislative District 23.

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I'm here today to introduce LB85, which amends the provisions relating to the renewal of concealed handgun permit, or CHP, by requiring the Nebraska Patrol to send a renewal notice through the mail or electronically to the holder of a permit holder four months prior to the expiration of the permit and strikes obsolete language. Currently, concealed carry permits are valid for a period of five years. Four months prior to the expiration of a concealed carry permit, individuals may renew their permit by paying the \$50 renewal fee. And in fact, about 7,000 individuals did so online last year. If you fail to renew your permit, you must complete the entire initial application process, which includes the certified-- certification training course and State Patrol in-person processing, which is about \$100, taking time of the State Patrol. Currently, all permit holders' information is entered into the DMV system. This system has the capability to send written notification to CHP holders similar to driver's license renewal notices, which can serve-- save time and resources of the State Patrol. Of several states that have concealed carry laws, seven currently issue notices of permit holders. We-- I have received reminders or we do receive reminders to renew our driver's license, our CDLs, engineering licenses, pesticide license, and more. So it seems to reason that we send a reminder for CHP. Several of my constituents and trainers of CHP have explained to me that five years is a long period of time to remember the expiration date and, and mention that the renewal notice would be helpful. So the DMV already has capability and process in place to accomplish this. Seems like a coordination with the State Patrol and the DMV will make this reminder efficient and cost effective. Therefore, I ask for your support of LB85 and its advancement to General File. And I'll take any questions you may have.

**LATHROP:** Very good. Senator Geist.

**GEIST:** Yes, Senator Bostelman, thank you for your testimony and for bringing this bill. I kind of got caught up in this myself personally when moving and COVID and all of that. So my handgun permit expired. And I'm curious, in your statement, you said that the DMV already has the capability to do that-- this reminder, however, we have a, a fiscal note from the State Patrol that's over \$50,000 dollars to accomplish this. So if the DMV actually sent this reminder, would that erase the fiscal note or, or basically erase it?

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**BOSTELMAN:** It would greatly reduce it, because now you're talking about maybe a little administrative time and postage if they do it by postage. It's really a coordination effort. So we don't need the full-time staff person, administrative staff person that there talking about at State Patrol because that person already exists at DMV.

**GEIST:** At DMV. OK, thank you for clarifying that.

**BOSTELMAN:** Um-hum.

**LATHROP:** You have more faith in the fiscal note process than perhaps I do, but. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for being here, Senator Bostelman. Why is it that you crossed off the part to carry a concealed handgun?

**BOSTELMAN:** I'm sorry?

**PANSING BROOKS:** On, on, on-- maybe I have the wrong one. Are you LB244 or LB84 [SIC]? Sorry.

**LATHROP:** He's LB85.

**PANSING BROOKS:** Oh, LB85. OK, never mind. Sorry.

**BOSTELMAN:** Are you talking on page 2, lines 18 through 22? Are you talking-- is that where you're--

**PANSING BROOKS:** I think I was talking about Senator Clements' bill.

**BOSTELMAN:** I'm sorry, can you repeat--

**PANSING BROOKS:** I was talking about Senator Clements' bill. I'm sorry.

**BOSTELMAN:** Oh, OK. So Senator Clements' bill is-- you're on that one. Got you.

**PANSING BROOKS:** Yes, I was on the wrong one. Thank you.

**BOSTELMAN:** Sorry.

**LATHROP:** OK. I don't see any other questions for you this morning. Are you going to close?



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**BOSTELMAN:** I don't know if I need to.

**LATHROP:** Well, you can make that decision later if you want. If you're not here, we'll assume you closed.

**BOSTELMAN:** Yeah, I do have a hearing this afternoon--

**LATHROP:** OK.

**BOSTELMAN:** --that I'm pretty involved with, so I'll, I'll monitor and if I need to, I'll come back.

**LATHROP:** OK, very good.

**BOSTELMAN:** But probably not.

**LATHROP:** All right, thanks, Senator.

**BOSTELMAN:** Thank you.

**LATHROP:** Senator Clements, you may introduce LB244.

**CLEMENTS:** Thank you, Chairman Lathrop and members of the Judiciary Committee. I am Senator Rob Clements, R-o-b C-l-e-m-e-n-t-s. I represent Legislative District 2 and I'm here to introduce LB244. And you will hear some duplicate comments because these bills are very similar. LB244 amends Section 69-2436 in the Concealed Handgun Permit Act to allow for a renewal grace period of 30 days after the expiration of the permit. Unlike the Department of Motor Vehicles with license and registration, the State Patrol is not required in the law to provide reminders for concealed handgun permit holders to renew their permit. Nor is there a grace period after expiration of the permit. LB244 provides a 30-day grace period to renew your permit after the permit expires. However, the permit is not valid during the grace period, just as a driver's license is not valid until renewed. Allowing a renewal grace period for a five-year, government-issued permit is not unprecedented and is a reasonable allowance to exercise the constitutional right to self-defense. Failing to renew a concealed handgun permit renewed prior to expiration can be cost prohibitive, especially for those in a lower-income bracket. Several constituents who missed their renewal have contacted me regarding this issue and asked for the law to be amended. Thank you for your consideration of LB244, and I'll try to answer any questions you may have.

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**LATHROP:** Senator DeBoer.

**DeBOER:** Thank you, Senator Clements, for introducing the bill. If we do the-- send the reminders, does that take care of the issue that you have, do you think?

**CLEMENTS:** I don't think so. I think the driver's license gets a reminder and people still forget and they able to, after the expiration date, go ahead and get it redone without having to take driver's training or anything. I think this is similar that I'd, I'd like to have both items available.

**DeBOER:** OK, thank you.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. Thank you, Senator Clements. I was just wondering about what was the purpose of carrying-- or crossing out "to carry a concealed handgun?"

**CLEMENTS:** Yes, thank you. That is outdated language. I didn't do that. The Drafters did that, saying that it was outdated and not necessary anymore. So I really don't know any more than that. But that's how it came from Drafting.

**PANSING BROOKS:** And so can you explain a little bit of the difference between-- I'm just trying to maneuver here between these two bills. Your bill says that they can't apply earlier than four months, but Senator Bostelman's bill says at least four months before expiration they'll be notified. So I guess the notice doesn't mean when they can reapply, yours deals with when you can reapply. Is that correct?

**CLEMENTS:** Mine says no earlier than four months. Yeah, the current statute is up to four months. I think, I think it's better to have no earlier than four months, so as in four months. I think the previous language was correct.

**PANSING BROOKS:** Well, earlier in the four months and no later than 30 business days is what yours says.

**CLEMENTS:** Yes.

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**PANSING BROOKS:** And-- OK. And, and really, Senator Bostelman's just  
deals with the notice provision. Is that correct?

**CLEMENTS:** Yes.

**PANSING BROOKS:** And when notice shall be served.

**CLEMENTS:** Yes.

**PANSING BROOKS:** Thank you.

**LATHROP:** I have a question. I'm not a permit holder. So if I miss the  
registration or the renewal period, do they send me something to say,  
Lathrop, you just missed the renewal period, your permit's no longer  
valid?

**CLEMENTS:** No, no there's no notification at all.

**LATHROP:** OK.

**CLEMENTS:** People who just looked at their permit, you know, somebody  
else looks at it and said, oh, you're expired, you have to go through  
the course again.

**LATHROP:** OK, very good. Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Senator Clements, for  
bringing this. But that isn't entirely true because we've, we've got  
some written testimony here from the State Patrol lab on notification  
on the GOV2 something that they're sending out email notifications and  
they're having 93 percent compliance. So--

**CLEMENTS:** Oh.

**BRANDT:** --it-- and that was on both your bill and Senator Bostelman's.

**CLEMENTS:** OK, I had not seen that. Thank you.

**BRANDT:** OK. Yeah. And, and when you get up, you're welcome to look at  
this, so. And I don't know if you were aware of that.

**CLEMENTS:** I was not aware of that.

**BRANDT:** OK, thank you.

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**LATHROP:** Oh, OK, well, they may have solved the problem with a  
website. We learn those kind of things here at hearings.

**CLEMENTS:** I'm sure they have everyone's email address is the question.

**LATHROP:** Yeah. OK, well, we'll look forward to hearing from the  
proponents and the opponents. I don't see any other questions. Thanks  
for being here. Are you going to stay to close?

**CLEMENTS:** Yes, I will.

**LATHROP:** OK, perfect, we'll look forward to that. We will take  
proponents of LB85 or LB244. If you're here in support, you can come  
forward. If you have one bill that you're, like, I like LB84-- or  
LB85, but not so much LB244, you can make that comment on the record  
so that we, we understand the full context of your testimony today  
since we're having a joint hearing.

**PATRICIA HARROLD:** Great. Great.

**LATHROP:** OK and welcome.

**PATRICIA HARROLD:** My name is Patricia Harrold, P-a-t-r-i-c-i-a  
H-a-r-r-o-l-d. I'm the president of the Nebraska Firearms Owners  
Association. My testimony today is to answer actually some of the  
questions that came up in some statements in the previous discussion  
by Senator Clements. The dot gov website that you're mentioning is a  
resource that is available, but it's not known well and throughout the  
land of the concealed carry permit community. You have to know about  
that website. You have to submit your name to be put into the system  
in order to, to get a reminder. The majority of students who attend my  
concealed carry classes, I have seen a 33 to 40 percent increase in  
what I call retreads, people who are coming back due to their permit  
being expired. COVID has exaggerated that process for many people. So  
much of us are focused on other aspects of our life than looking in  
our wallet to see when our driver's license permit or even credit card  
expires. So while that system does exist, it is optional. You have to  
opt in and you also have to know about it in advance, which the  
majority of my folks did not know about that. So it's a kind of like  
any app that you can download on your phone or, you know, go on, on a  
website to find, but you have to be, you know, notified of that. So  
there's no requirement by the Nebraska State Patrol to promote that.

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We haven't seen any messaging coming out from them with regards to promoting that as an option. And so a majority of citizens are going to be unaware that that is a resource that is available. Additionally, folks within our firearms community may be not so much interested in going online and positioning themselves as concealed handgun permit holders. The fact that you're a permit holder is somewhat of a private decision in many cases. There is no-- there are actually laws against the disclosure of your status as a permit holder by the government. And so they may not feel comfortable putting them-- their name and information into a government system of which they're unaware of how that system works or how secure that system would be. They understand that they have to provide their information to get the permit, but they know that that is protected by law under the current policies that exist in the Nebraska State Patrol.

**LATHROP:** OK, very good. Any questions? I don't see any. Thanks for being here this morning. Anyone else here as a proponent for either bill? Good morning and welcome.

**JAMES GOTTSCHALK:** Morning, members of, of the committee, thank you. I'm James Gottschalk, J-a-m-e-s G-o-t-t-s-c-h-a-l-k. Lieutenant Colonel, U.S. Air Force, retired. I'm the vice president of the Nebraska Firearms Owners Association, comprised of approximately 10,000 Nebraskans. I'm here to fully support LB85, OK, for the following reasons. The rationale for providing a renewal reminder for a concealed handgun permit that is not due until five years from the time of initial issue, is in perfect harmony with the existing renewal requirement that we have for the Nebraska driver's license. And we talked about that. Five years is, is a long time. Everybody has very busy schedules and reminders certainly help us to renew in the appropriate time. The high cost of training and application fees for a concealed handgun permit are financially burdensome, particularly for those of lower income. The cost for the permit just alone is \$100 and your certification training can be upwards of between \$80 and \$125 depending upon the class. Then there is the combined time and travel away from work to not only get your certification training, but also to submit the paperwork to the State Patrol Office, which may or may not be nearby your residence. If an individual has to undergo the same or increased cost of a, of a second permit due to a missed renewal deadline, then that financial cost is just more financially burdensome. I personally know individuals who have missed their CHP renewal deadline due to very busy work schedules, and the onus upon

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them financially is they had to go through the complete re-application process and it's just an additional cost. LB85 would provide the same renewal consideration for CHP licensing as it provided for the other, other state licensing, as we talked about driver's license, geologist license, and, and other licensing, which, which can be so conveniently done now with a modern renewal technology software that we have out, out there. It's a pretty straightforward thing to do. It just makes good, good sense. So I fully support LB85. Please vote yes and bring this bill out of committee and onto the floor for debate. Thank you.

**LATHROP:** Very good. Very good. I don't see any questions for you this morning, but thanks for being here.

**JAMES GOTTSCHALK:** You're welcome.

**LATHROP:** Appreciate hearing from you. Anyone else here as a proponent? Good morning, welcome back.

**RANDY J. BENDORF:** Good morning, Chairman. I'll do this correct this time. Randy, R-a-n-d-y, J. Bendorf, B as in boy -e-n-d as in David -o-r-f as in Frank. A proponent to-- that would be wonderful as a NRA instructor myself and I am retired due to a rare nerve and bone disease so the four months prior would be wonderful because a lot of times I have to make arrangements to get rides and just be able to walk someplace. But the time that I was instructing quite a bit that was one of the common complaints was missing that date. And, and even if that dovetails in with the, the, the next law, LB244 a proposal, that would be wonderful just to have an automated system that drops the mail and gives notification and takes some of the, I think, time from our law enforcement officers. I remember going with some students the first time to the sheriff's department and there was a lot of hustle and bustle. And those guys, I'm sure would rather be out on patrol than, than in the office. So it'd be nice to take a little of the back strapped duty off of our officers. Anything to streamline it and make it easier for-- like mentioned before, lower income or persons with disabilities, I think would be absolutely wonderful.

**LATHROP:** OK.

**RANDY J. BENDORF:** That's it.

**LATHROP:** You support both of these bills?

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**RANDY J. BENDORF:** Yes.

**LATHROP:** One with a notification and [INAUDIBLE] at the end?

**RANDY J. BENDORF:** Yes. Yeah.

**LATHROP:** OK, very good. I don't see any questions for you, but thanks  
for being here, Mr. Bendorf.

**RANDY J. BENDORF:** OK, thank you.

**LATHROP:** Next proponent. Good morning.

**JON ANDERSON:** My name is Jon Anderson, J-o-n A-n-d-e-r-s-o-n. I am a  
lifelong Nebraskan. I live in Norfolk now. I'm a Keya Paha County  
native. I've been a member of NFOA for the last four or five years  
since I learned of its existence. I was fortunate enough to be voted  
on to the board of directors this last fall. So I'm a current board of  
directors member, director of media. I am here to, to testify for both  
LB85 and LB244. I've actually got two things in my pocket. One is my  
state-issued driver's license. The other is my state-issued CHP. The  
difference between these two is I get a notice when this one is about  
to expire. And if it does expire, it doesn't cost me any extra to go  
and renew it. It's not valid until I do, but I don't have to pay any  
kind of penalty or go through any extra hoops in order to renew this  
permit. However, this one, currently I get no notification. I was not  
even aware that there was a, a website or an email notification  
available. It was news to me. So thank you for putting that out. And  
then if it does expire with no notification, then I don't just go and  
spend \$50 to renew it for another five years. I go and spend \$100,  
\$120, \$150, whatever the cost of a class is. Then I spend another \$100  
at the State Patrol to go through another background check and have my  
fingerprints run again. And it just seems to me like what is going to  
cost me-- mine actually expires this May. And I want to thank Senator  
Bostelman and Senator Clements for introducing these bills, because  
being involved with NFOA and seeing these bills come through made me  
look at mine and realize that it was time to renew. So I submitted my  
renewal. So they have saved me potentially a couple hundred dollars  
in, in fees just because I'm not going to have to retake a class now  
that is unnecessary. I passed it the first time with flying colors.  
And I just want to urge all of you to please send this bill out of the  
committee, send it on for a full vote, because they're, they're both

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important. Not only to, to have the reminder, but if I, if I can't get, can't get somewhere, if I, if I don't have the money at a certain time, you know, there are any number of reasons why maybe I missed my deadline or I didn't even see the reminder. Maybe they did send it. But as it is right now, I've got-- I get no notice. And if I miss it, then I've got to go to Miss Harrold or somebody else and take a class.

**LATHROP:** OK. Any questions for this testifier? I don't see any, but thanks for being here.

**JON ANDERSON:** Thank you.

**LATHROP:** Any other proponents? Good morning and welcome.

**WAYNE McCORMICK:** Good morning. My name is Wayne McCormick, W-a-y-n-e, McCormick, M-c-C-o-r-m-i-c-k.

**LATHROP:** You can go ahead.

**WAYNE McCORMICK:** OK, thank you. Good morning, Chairman Lathrop and members of the Judiciary Committee. Thank you for your commitment and service to the citizens of Nebraska. Thanks for the opportunity to speak today. I rise today in, in support of both LB85 and LB244. My working career, I spent 40-- I am from Columbus right now. My senator is Senator Mike Moser, District 22. My working career, I spent in Battle Creek, Nebraska. Twenty years of teaching high school mathematics and 23 years working in management at the power district there. And I think this is the real basic no nonsense bill. I really, really appreciate this bill-- or these bills, both bills, LB85 and LB244, being introduced this year. I know that I depend on reminders a lot, and I think this could be a very, very good customer service for our citizens of Nebraska. You know, we already receive reminders for our driver's license. And even at that sometimes we let them lapse and, and it goes by. Five years is a long time. And I guess I have to have a reminder to go, you know, remember my dentist appointment next month. So I, I would really appreciate this. When we passed the CHP, the concealed handgun permit process, I was not, you know, totally in favor of it, but I, I saw that it, it was a really a good addition to our, our citizens. But I didn't want to overburden the State Patrol. I know that they have a lot of, a lot of paperwork and things that need to be done. But I see today as there being a, a technology that allows this without overburdening the Patrol that, that, you know, is already



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overburdened anyway. So I, I think this is a really a great bill, both  
of them, LB85 and LB244 as the combination. And I would urge the  
committee to vote to support-- vote in support of both LB85 and LB244.  
And please send it to the floor of the Legislature for full debate.  
Thank you. Any questions for me?

**LATHROP:** OK. Mr. McCormick, I do not see any questions. Thanks for  
being here, though.

**WAYNE McCORMICK:** Thank you.

**LATHROP:** Next proponent.

**KEITH KOLLASCH:** Good morning.

**LATHROP:** Good morning.

**KEITH KOLLASCH:** My name is Keith Kollasch, it's Keith, K-e-i-t-h,  
Kollasch, K-o-l-l-a-s-c-h. I'm a resident of District 1, so nice to  
see you, Senator Slama. I'm also a board member for Nebraska Firearms  
Association, and I am here to testify in support of both LB85 and  
LB244. I'm not going to get into much of what's already been said, but  
I do want to address a couple points regarding these issues and these  
bills. Personally, I've twice had to retake the, the class because one  
time I missed the deadline by one week, other time by three weeks. So  
for myself, the cost really wasn't that big of a deal. But having kids  
and work and everything, getting the eight hours that is necessary to  
take the class was a difficult process for myself. So to have the  
notice sent out would be very beneficial, the permit holders are not  
asking for any kind of special treatment. The notices are already sent  
out to most permit holders for many other licenses and permits for  
that are issued by the state of Nebraska. So it's not going to be  
really anything additional that we're asking for. We just want to be  
put on the same, same level as everybody else that gets a permit from  
the state. And I would like to point out too that, again, I was not  
aware of the website to get the online renewal, but that did bring up  
another issue that concerning the costs associated with this. Like I  
said, for myself, a couple of hundred dollars wasn't that big a deal.  
A lot of people it is. We're in a situation where people are saving up  
their money to get their permit because they feel that is necessary.  
They have that means to protect themselves. So they're saving up money  
just to get that permit. If it expires, they are going to have to come

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up with money again, at least \$200 versus \$50 and also those low-income individuals, there's a reasonable chance that they don't have adequate access to Internet to be able to get on the website to get the automatic notice renewal. So I think that is an issue as well. So I would just ask the committee to vote in favor of moving both LB85 and LB244 out of committee and let the floor of the Legislature decide on where this needs to go. Again, I thank you for your time.

**LATHROP:** Thank you, Mr. Kollasch. I do not see any questions. Appreciate you coming out today. Anyone else here to testify as a proponent? Anyone here in opposition to either of the bills? I know some of you were out in the hall when I gave my opening, but part of that opening was the request that people wear face covering while in the hearing room for the protection of the people in the room and those of us that are on the committee and the staff and so forth. Welcome.

**MELODY VACCARO:** Hi, good morning. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I represent Nebraskans Against Gun Violence. We are coming in neutral on LB85. We support good governance. And, you know, if there are standard licensing renewal practices across licenses, that should apply to all licenses. So we are neutral on that point. We are opposed to LB244, the adding the grace period for the concealed carry handgun permit. We are-- when you are given somebody the ability to bring loaded guns into the public square and you are verifying that they are reasonable, rational people who are capable of good decision making, we think it is reasonable to expect that they can meet the permit renewal periods for that ability to do that in the public square. Guns are very dangerous. Guns can fall out of pockets. They can accidentally shoot people. That happens. We see that happen with law enforcement. You know, a few years back, there was the viral video of the school resource officer who was dancing and a gun fell out of his pocket and it went off. Right. So, so we think it is very reasonable to say you can renew your permit on time. I definitely hear the proponent argument about the fact that there are low-income people in our state that are struggling and are not able to meet things that are really important to them and their families. And of course, things to my mind come to like after school programming that has not state funded across the state. We do not have good Internet across the state. There are very real problems when it comes to low-income Nebraskans. And we do hope senators are taking that seriously and making sure that people's basic needs are met in

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the state. And that is where we stand on the giving a grace period after expiration.

**LATHROP:** OK. Well, thank you for being here and for coming down and sharing your opinions.

**MELODY VACCARO:** Thank you.

**LATHROP:** Anyone else here to testify in opposition to either LB85 or LB244? Seeing none or no further opposition testimony, is anyone here in a neutral capacity on either bill? Seeing none, Senator Bostelman, if you'd like to close. Let me read into the record, if you don't mind, that we have 35 position letters on LB85, 34 are proponents, 1 is an opponent. On LB244, we have 25 letters in total; 24 are proponents, 1 is in opposition. And we've received written testimony today, one from the State Patrol, Jeff Avey, A-v-e-y, is in the neutral capacity and a, a second-- that's on LB85 and on LB244, the-- Mr. Avey is also neutral, the State Patrol is on-- so on both bills, we have written testimony in a neutral capacity from the State Patrol.

**\*JEFF AVEY:** Good Afternoon Chairperson Lathrop and members of the Judiciary Committee. My name is Jeff (J-E-F-F) Avey (A-V-E-Y). As Director of the Nebraska State Patrol Criminal Identification Division, I am here today on behalf of the Nebraska State Patrol to testify in a neutral capacity on LB85. The ability to receive a notification of an upcoming concealed handgun permit expiration date already exists through a service called GOV2GO. This service allows people to be notified of a variety of government services, including when their concealed handgun permit is in the four-month renewal period. The Gov2Go service is available through an app to download, or as a service online, and is provided at no cost by the Nebraska statewide contractor for e-government services: NIC Nebraska. Signing up for Gov2Go to receive a notification of your concealed handgun permit expiration is also easily available through the online portal. In addition, concealed handgun permit holders can renew their permit, update their address, change their name, or request a replacement card via the online portal. This service has been very popular with permit holders, and saves them a trip to one of the six State Patrol Troop Areas. Of the 6,977 CHP permit holders who renewed in 2020, an astounding 93% chose to do so online. Leveraging technology to offer this service is the best option to prevent the need for additional

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staff and funding. In closing, I would like to thank you for the opportunity to provide testimony today on this important matter.

**\*JEFF AVEY:** Good Afternoon Chairperson Lathrop and members of the Judiciary Committee. My name is Jeff (J-E-F-F) Avey (A-V-E-Y). As Director of the Nebraska State Patrol Criminal Identification Division, I am here today on behalf of the Nebraska State Patrol to testify in a neutral capacity on LB244. The ability to receive a notification of an upcoming concealed handgun permit expiration date exists through a service called GOV2GO. This service allows people to be notified of a variety of government services, including when their concealed handgun permit is in the four-month renewal period. The Gov2Go service is available through an app to download, or as a service online, and is provided at no cost by the Nebraska statewide contractor for e-government services, NIC Nebraska. This service has been very popular with permit holders, and saves them a trip to one of the six State Patrol Troop Areas. Of the 6,977 CHP permit holders who renewed in 2020, an astounding 93% chose to do so online. Between the two bills before the committee today (LB85 and LB244), the State Patrol prefers the 30-day extension that LB244 provides because it will provide a grace period to permit holders who were otherwise unaware of the pending expiration of their permit. It will also save the State Patrol from having to incur additional funding or staffing to send out renewal reminder notices to permit holders. In closing, I would like to thank you for the opportunity to provide testimony today on this important matter.

**BOSTELMAN:** Thank you, Senator Lathrop. Couple of things I just want to address that come up and thing that, Senator Brandt, you had about the email that you received-- that we received as well from State Patrol, the 7,000. If you look at the fiscal note, they estimate between 16 and 20,000 permit holders could renew and we only have 7,000. And that's on a voluntary website. So it's not a state website. So I think what that shows is if you notify people and let them know, they'll respond and we'll get that. And that's what I'm kind of trying to, you know, with my bill specifically, is, is trying to let people know. And then if they know, then they will respond. If they do it online, that's going to save everybody time and everybody resources. But I think that app that is not a government app, as one of the testifiers mentioned, is something that people probably don't want to go out and register on just because of it's an open app. You know, it's not protected in a sense of the information. But if we have it through the

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DMV, it's readily available. When we talked to DMV, they said, oh, sure, we can do this. It's not, it's not an issue. So I think that's something that is worth the, worth the opportunity to take advantage of that and let people know if they so desire to renew that they can, they can renew. I can tell you as a, as a permit holder myself, it would be very helpful. Mine expires next year. It doesn't mean that I do any less training or anything like that. It just means that it gives me that opportunity, that reminder so that I don't miss it and I have to go through the \$2, \$300 and time to renew my permit. So with that, I'll take any other questions you may have.

**LATHROP:** OK. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Senator Bostelman. I was just wondering. So once you have a permit, you can always get a permit, because when you're talking about the DMV, I, I used to take my mom in when she was older and it, it was not once you have a driver's license, you always get to have a driver's license. So I'm just wondering about that.

**BOSTELMAN:** Yeah, great question, because the \$50 that I do submit for my reapplication goes back into a background check. So there is a check at that point in time to ensure there's no violations or anything in there, any questionable, whatever it might be, whatever they're looking for within my background. So there is a check at that five-year point. So it's not just pay the money. Here you go. You know, thank you very much. Walk out the door. That \$50 does go towards ensuring that person should be receiving that permit and maintain that permit.

**PANSING BROOKS:** That's good. So then my other question, and I should know more and I'm sorry, but so part of what the DMV was checking about, of course, was senility or an ability to actually handle a, a machine that she would be driving. So what--

**BOSTELMAN:** So, so--

**PANSING BROOKS:** --is there anything about that, when, when you turn 90, Senator Bostelman, I know it's a long ways away, but, you know, if you start to shuffle off the mortal coil and don't feel like on top of it?

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**BOSTELMAN:** So I'm, so I'm glad you have the foresight to know that I'm  
going to be at least 90. [LAUGHTER] Thank you.

**PANSING BROOKS:** You're welcome.

**BOSTELMAN:** No, the purpose why DMV gets notified with our information  
is when law enforcement makes a stop or an inquiry on an individual,  
that information comes up. So when, so when I-- if, if I would ever be  
stopped or questioned by a law enforcement person, they know that  
immediately. That's why DMV receives that information. So when they  
run your ID, your, your, your identification, your driver's license,  
they know immediately that you're a concealed handgun permit carrier.  
And I also have that one-- if that would ever happen, I notify them  
immediately in the first conversation I have with them that I do have  
a permit. And whether or not I do have a, a firearm with me. That's  
something I do as an individual. But that purpose for DMV is so law  
enforcement has that awareness if they contact an individual. It's not  
for them to do any screening other than that.

**PANSING BROOKS:** OK, so not for anything like if you started to have  
Alzheimer's or dementia?

**BOSTELMAN:** No, I think that, that goes back to your-- that, that goes  
back to that \$50 check that they do that law enforcement has to-- at  
your renewal or any time in between if something comes up. I think  
that is brought up with then your physician, perhaps.

**PANSING BROOKS:** OK, thank you, Senator Bostelman.

**BOSTELMAN:** Yeah.

**LATHROP:** I don't see any other questions. Thanks for being here today.

**BOSTELMAN:** Thank you.

**LATHROP:** Senator Clements waives. All right, thank you. Before we  
close our hearings, I just want to say a couple of things. First of  
all, thank you all for being willing to observe what we have going on  
here today. It'll be even more important this afternoon as I-- we have  
five bills this afternoon and some of those probably will generate  
more interest than we had this morning. So I, I want to thank you for  
your willingness to observe those rules. I, I think that it might be  
worthwhile for me just to share some of the information. The State

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Patrol offered a letter in the neutral capacity, whether you want to take advantage of this or not, they do say that the ability to receive a notification of an upcoming concealed carry permit expiration date exists through a service called GOV2GO. That's G-- in caps, G-O-V, the numeral 2, then it caps G-O, GOV2GO. I assume that's an app. The service allows people to be notified of a variety of government services, including when their concealed handgun permit is in the fourth month renewal period. So that may be something you and your group might be interested in. You may not, but that's what the State Patrol had to share this morning. That will close our hearings on LB85 and LB244. Once again, thanks to the people who are-- were here today to share their opinions. And with that, we will clear the room because we're going to have an Exec Session.

**JON ANDERSON:** I was just curious if I could address Senator Pansing Brooks's question that she had for Senator Bostelman about being older, possibly dementia. Could I speak on that for a little bit?

**LATHROP:** You know what, we're going to shut down the hearing. If you want-- if you and Senator Pansing Brooks want to have a brief conversation, I don't, I don't have any opposition to that, but it's not part of the hearing process, if you will.

**JON ANDERSON:** Thank you.

**LATHROP:** Thanks, everyone.

**LATHROP:** Good afternoon and welcome to the Judiciary Committee. My name is Steve Lathrop. I represent Legislative District 12 in Omaha and I chair the Judiciary Committee. I generally begin these hearings by sort of laying what the ground rules are. I'm going to read that today so that it is in the record and reflects that people have been advised of that. I've also shared this with folks out in the hallway. Committee hearings are an important part of the legislative process. Public hearings provide an opportunity for legislators to receive input from Nebraskans. This important process, like so much of our daily lives, has been complicated by COVID. To allow for input during the pandemic, we have some new options for those wishing to be heard. I would encourage you to take advantage of additional methods of sharing your thoughts and opinions. For a complete list of those options, go to the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). We will be following COVID-19 procedures this session for the safety

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of our committee members, staff, pages, and the public. We ask those attending our hearings to abide by the following procedures. Due to social-distancing requirements, seating in the hearing room is limited. We ask that you enter the hearing room when it is necessary for you to attend the hearing in progress. The bill will be taken up in the order posted on the hearing room. This list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist the committee and transcribers in clearly hearing and understanding the testimony. The pages will be sanitizing the front table and chair in between testifiers. When public hearings reach seating capacity or near capacity, the entrance will be monitored by the Sergeant at Arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter the hearing room are asked to observe social distancing and wear a face mask. The Legislature, unfortunately, does not have the availability of an overflow, overflow room this year because of the HVAC project. For hearings with large attendance, we request only testifiers enter the hearing room. We also ask that you please limit or eliminate handouts. Due to COVID concerns, we're providing two options this year for testifying at a committee hearing. First, you may drop off written testimony prior to the hearing. Please note the following four requirements must be met to be on the committee statement. One, the submission of written testimony will only be accepted the day of the hearing between 8:30 a.m. and 9:30 a.m. here in the Judiciary Committee hearing room. Two, individuals must present their written testimony in person and fill out a testifier sheet. Three, testifiers must submit 12 copies and four, testifiers must submit a written statement no more than two pages, single spaced or four pages, double spaced in length. No additional handouts or letters from others may be included. This written testimony will be handed out to each member of the committee during the hearing and will be scanned into the official hearing transcript provided all four conditions are met. As always, persons attending a public hearing will have the opportunity to give verbal testimony. On the table inside the doors, you'll find yellow testifier sheets. Fill out a yellow testifier sheet only if you're actually testifying before the committee and be sure to print legibly. Hand the yellow testifier sheet to the page as you come forward to testify.



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There is also a white sheet on the table if you do not wish to testify, but would like to record your position on a bill. This sheet will be included as an exhibit in the official hearing record. If you're not testifying or submitting written testimony in person and would like to submit a position letter for the official record, all committees have a deadline of 12 p.m., noon, on the last workday before the hearing. Position letters will only be accepted by way of the Judiciary Committee's email address posted on the Legislature's website or delivered to the Chair's office prior to the deadline. Keep in mind that you may submit a letter for the record or testify at the hearing, but not both. Position letters will be included in the hearing record as exhibits. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally anyone wishing to speak in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask you to begin your testimony by giving us your first and last name and spell them for the record. If you have copies of your testimony, bring up at least 12 copies and give them to the page. If you are submitting testimony on someone else's behalf, you may submit it for the record, but you will not be allowed to read it. We will be using the three-minute light system. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute and when the red light comes on, we ask that you wrap up your final thought and stop. As a matter of committee policy, we'd like to remind everyone the use of cell phones and other electronic devices is not allowed during public hearings, though you may see senators use them to stay in contact with staff. At this time, we'd ask everyone to look at their cell phones and make sure they're in the silent mode. We also remind you that verbal outbursts and applause are not permitted in the hearing room. We've gone paperless this year in Judiciary Committee and for that reason, you will see senators using their laptops to pull up documents and follow along with each bill. And finally, you may notice committee members coming and going. That has nothing to do with how they regard the importance of the bill under consideration, but senators may have bills to introduce in other committees. And with that, we will begin with the introduction of senators, starting with Senator DeBoer.

**DeBOER:** Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10, which is Bennington and parts of northwest Omaha.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee March 3, 2021

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**BRANDT:** Good afternoon. I'm Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

**MORFELD:** Good afternoon. Adam Morfeld, District 46, northeast Lincoln.

**SLAMA:** Julie Slama, District 1: Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**GEIST:** I'm Suzanne Geist, District 25, which is the east side of Lincoln and Lancaster County.

**LATHROP:** Assisting the committee are Laurie Vollertsen, our committee clerk, and Josh Henningsen, one of our two legal counsel, and our pages this afternoon are Ashton Krebs and Kennedy Zuroff, both students at UNL. And with that, we will begin our hearings today with the introduction of LB404 and Senator Lowe. Welcome to the Judiciary Committee.

**LOWE:** Chairman Lathrop and members of the Judiciary Committee, it's great to be back in front of this great committee once again. My name is John Lowe. That's J-o-h-n L-o-w-e and I represent the 37th District. LB404 extends the length of time a permit to carry a concealed weapon. It is moved from five years to ten years. It's very simple. There have been many bills brought this year regarding concealed carry permits. All of them attempt to streamline the renewal process. I appreciate my colleagues who have addressed this issue in other ways, but I think the approach of LB404 is also worth considering. The idea of extending the length of a concealed carry permit makes a lot of sense to me. Currently, if a person applies to renew before the end of the five-year period, a person simply has to pay \$50 to, to extend the permit for another five years. If you forget by one day, you have to pay \$100 and you have to go to another concealed carry class. With that being the only requirement, this is an easy change, which would save the State Patrol time and money by allowing individuals to keep their concealed carry permit for ten years and only forgetting half as many times to reapply for your permit. I brought this because it happened to me two years ago. I looked at my concealed carry permit with six months left and I thought I'll remember to renew it and I forgot by one day. I had to drive to Grand Island from Kearney. I had already taken another concealed carry class because I like to just keep up and so I had that in my back pocket, but it cost me an extra \$50 because I forgot by one day. We

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don't really do that for many other permits that we have and, and so  
by doing this, you would only forget half of many times like, like me.  
So with that, that's my introduction, I have found some flaws, so I'm  
not going to pursue it this year, so I'd like to have you just hold  
it, though I would like to hear the testimony that follows. Thank you  
very much.

**LATHROP:** Certainly. Any questions for Senator Lowe? Are you going to  
close on the bill, John?

**LOWE:** I may waive it depending on the testimonies.

**LATHROP:** OK, terrific. Thanks for introducing LB404 and with that, we  
will begin with proponent testimony, so if you're here in support of  
the bill, you may come forward. Good afternoon. Welcome.

**RANDY BENDORF:** Good afternoon, Chairman and members. Randy Bendorf,  
R-a-n-d-y B-e-n-d-o-r-f. I was going to speak in favor of extending  
the concealed carry permit time. I'm not currently a permit holder. I,  
I don't carry for disability reasons. It's a little too heavy for me  
and I'm very, very, very uncomfortable, but I do occasionally  
volunteer as a range officer at Eastern Nebraska Gun Club. We have  
approximately 3,500 members and just kind of sharing that a lot of the  
general attitude of the majority of those members-- and even in this  
morning's session-- that's something that would be not catching you by  
surprise was-- would be a lot easier. So extending the period from  
five to ten years I think would just make it a lot easier, almost as  
if we were doing the same thing for a driver's license. Now I would, I  
would say that as long as-- if somebody says we're going to extend it  
from five to ten years, but at five years, we're still going to run a  
background check because a lot can happen in ten years-- so I'd be all  
for that, but to extend the period to ten years, I think it would just  
be a lot more viable for any type of permit, but that's basically it.

**LATHROP:** OK.

**RANDY BENDORF:** All right, thank you.

**LATHROP:** Appreciate having you back.

**RANDY BENDORF:** Well, thank you.

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**LATHROP:** Thank you. Any other proponent testimony? Anyone else here to speak in support? No other supporters. Anyone here in opposition to LB404? Good afternoon. Welcome back.

**MELODY VACCARO:** Thank you. My name is Melody, my name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I represent Nebraskans Against Gun Violence and we want to just touch on the fact that five to ten years is a really long time. I'm handing out a handout that is a-- it shows kind of what all of the firearm homicides were in Nebraska compared to the justifiable homicides. And so one of the things that often comes up when we think about a concealed carry permit is that you just never know when you're going to need to legally murder somebody. And we can see in the data it just rarely happens and in 2015 and 2016, it didn't happen. And so, you know, it is reasonable and it is good government to make sure that we're going through regular periods of making sure that if we say you are allowed to bring a firearm, a loaded firearm into the public square, that we have gone through background check processes, we made sure your training is up to date, and that things haven't happened. A decade is a long time not to do a check-in to make sure something hasn't gone awry that has turned them from a law-abiding citizen member to a prohibited person and we want to make sure that there is--there are mechanisms in place to revoke concealed carry permits when that is reasonable to do so.

**LATHROP:** OK. All right, I don't see any questions for you right now, but thanks for coming. Next opponent. Anyone else in opposition? Good afternoon.

**JUDY KING:** Hi. My name is Judy King and can I say--

**LATHROP:** Spell your name for us, please, Judy.

**JUDY KING:** J-u-d-y K-i-n-g.

**LATHROP:** OK, thank you.

**JUDY KING:** Can I put all three of my opposals into one comment or do you want me to keep--

**LATHROP:** If you want to make a comment that addresses-- this really is about LB404.

**JUDY KING:** Um-hum.

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**LATHROP:** If you want to talk about the other ones after you get done with it, I guess I can't stop you.

**JUDY KING:** OK. I'm an opponent of LB300, LB404, and LB417. Please make this a part of the record. After taking over the D.C. Capitol on January 6, I do not look at "Trumper" Republicans in the same way. I look at them following the big lie and being angry at something that does not exist. The only thing that does exist is the truth, that they lost the election for president. The former president still has not told his followers, QAnon and white supremacists and Proud Boys, that he lied and that the election was not rigged. Why should we let these "Trumpers" make any decisions about guns or for that fact, any decisions about anything in the Legislature because they worship at the feet of the former president who had a golden calf fashioned in his image, something right out of your Bible. They do not want democracy. They, they want a fascist dictator. The Republican "Trumpers" tried to take over our most sacred place, the Capitol in D.C., and tried to do away with democracy in front of the whole world. They are a stain on our his-- on the history of our country. "Trumpers" attacked the D.C. Police with everything they could get their hands on, including guns, knives, poles, bear spray, pieces of doors and windows. A proclaimed nat-- white nationalist sitting in Speaker Pelosi's chair, the third person in line for the presidency, had a 950,000-volt stun gun walking stick. And what are the follow-- followers of this fascist dictator doing now? They're planning on their next friendly protest in March. They also want more freedoms for their gun lovers. I have always thought the "Trumpers" were buddies with the police, but their actions prove otherwise. They beat the life out of the D.C. and Capitol Police, killing one, wounded hundreds, and left others permanent-- with permanent disabilities. They brought a baseball bat, a fire extinguisher, a wooden club, a spear, crutches, flag pole, bear spray, mace and chemical irritants, stolen police shields, a wooden beam, a hockey stick, a stun gun, and knives. A man in Alabama was arrested near the Capitol shortly before the attack and was found with what one judge called a small armory in his truck. Investigators just discovered three guns, 11 Molotov cocktails, a crossbow with bolts, small smoke bombs, and a stun gun, according to the court documents. Coffman-- let's see-- 70, pleaded not guilty last month to a 17-count criminal indictment. Do you really think we need more freedoms out there for guns?

**LATHROP:** Judy--

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**JUDY KING:** I've only got--

**LATHROP:** --your red light is on, your red light is on. I'm going to  
have to enforce it today strictly because of the number of people--

**JUDY KING:** That's OK.

**LATHROP:** --that want to be heard. So we appreciate--

**JUDY KING:** I can finish it later.

**LATHROP:** --you being here. I do not see any questions, but thanks,  
thanks for being here, Ms. King.

**JUDY KING:** Thank you.

**LATHROP:** Any other opponents? Opponent testimony? Anyone here in a  
neutral capacity? Welcome back.

**KEITH KOLLASCH:** Good afternoon. Well, as far as-- my name is Keith  
Kollasch, K-e-i-t-h, Kollasch, K-o-l-l-a-s-c-h, and I'm on the board  
of directors for Nebraska Firearms Owners Association and I'm here to  
testify in a neutral capacity on LB404. It may be a little surprising  
that our organization, organization is taking a neutral stance on this  
bill. After discussing this with members, one of the issues that comes  
up is that a lot of our members use the concealed handgun permit as a  
means to satisfy the requirements to purchase firearms without having  
to go through the instant background check. The current five-year  
limit on the handgun permit does qualify as an acceptable permit under  
18 USC 922(t)(3), which has the requirements as far as what a  
state-issued permit would qualify for to be able to take the place of  
a background check. Once you get past that five years, it's no longer  
compliant with the federal regulations. Our position is that, you  
know, some of the members do use it for that purpose, other members  
don't. What we would like to see is maybe some sort of amendment that  
would just give the option if you wanted to do a five-year permit or  
do a ten-year permit-- leave it up to the person-- and then it would  
still satisfy those that want to use it for replacement, a replacement  
for the instant background check or if you just want to have it for  
the ten years so you don't have to worry about renewing it every five  
years. So that is the position of the FOA regarding LB404 and thank  
you for your time.

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**LATHROP:** I appreciate the thoughtful information. That, that makes perfect sense, so I, I appreciate you being here today and sharing that with the committee.

**KEITH KOLLASCH:** Thank you.

**LATHROP:** I don't see any questions for you, but thanks for being here. Any other neutral testimony? Seeing none, Senator Lowe waives close, but for the record, we do have 26 position letters; 16 are proponents, 8 are opposed, and we have no written testimony. That will close our hearing on LB404. I would ask that those of you who are in the room step out. We're going to clear the room other than media to allow us to recycle in other people who want to be heard. Mr. Sergeant, can we have, like, an equal number of proponents and opponents come in?

**SERGEANT AT ARMS:** Right now we don't have any opponents for the next bill, Senator.

**LATHROP:** OK, then if proponents want to fill the chair, I'm OK with that too.

**SERGEANT AT ARMS:** [INAUDIBLE]

**LATHROP:** It takes us a little while to turn the room over.

**B. HANSEN:** Yeah.

**SERGEANT AT ARMS:** No opponents, Senator.

**LATHROP:** OK. No opponents, so are there people that want to sit in through the hearing? I don't care if they sit. OK, with that, Senator Hansen, welcome to the Judiciary Committee. You are good to open on LB173.

**B. HANSEN:** All right. Thank you, Chairman Lathrop and, Chairman Lathrop and the rest of the Judiciary Committee. My name is Senator Ben Hansen, B-e-n H-a-n-s-e-n, and I represent District 16, which is Washington, Burt, and Cuming Counties. LB173 is a bill that seeks to update state statute 28-1202 that would change provisions relating to carrying a concealed weapon. This bill stemmed from a court case in 2016 when a situation was brought before the Nebraska State Supreme Court in Nebraska v. Senn. The decision by the court has opened up the issue of what is and what is not considered a violation of our carry

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concealed laws. This is especially true for when individuals are transporting their guns, but the owner is not a concealed carry permit holder. LB173 seeks to clarify that an individual who is not a carried concealed permit holder may legally transport a firearm in a case if the firearm is unloaded. And we did define a case, which is defined as a hard-sided or soft-sided box, container, or receptacle intended or designed for the purpose of storing and transporting firearms or a firearm manufacturer's original packing. When it comes to our state gun laws, clarity matters and this is just clarifying a gray area that has largely been overlooked in statute. Right now, if a police officer or a county prosecutor decide to enforce the gray area, almost every gun owner who goes hunting or to a gun range might be at risk of arrest and a significant fine. This legislation is crucial, crucial because there are only two ways to transport a firearm if one is not a carry conceal permit holder. A person can have the firearm in plain sight in their vehicle or they can have a firearm in the trunk of a vehicle. LB173 clarifies that the stat-- statute change only applies to a person who is legally allowed to possess a firearm and further clarifies that the statute only applies to a location where a firearm may already be lawfully possessed. The simple intent of this bill is to allow law-abiding citizens who do not have their concealed carry permit to transport their unloaded firearms in cases-- in the appropriate cases that we define so that they can be properly used while hunting at a gun range or maybe after they purchase a firearm at a Cabela's. This bill does not allow anyone besides those with a concealed carry permit to transport and carry a loaded firearm. Some of you might remember this bill. I think it was brought by Senator Lowe last year and I don't think it was able to get to a vote for time purposes. And it was brought in front of this committee-- I think it-- back in 2017 and it got through Judiciary on an 8-0 vote-- I believe with no opposition as well. Maybe one person came out opposed by themselves. So it's been in front of this committee before and it's, it's been heard. So with that, one thing I just want to clarify because some people want-- kind of want a clear understanding of what this bill really means. So basically what this really comes down to is when somebody purchases a firearm, like, at a Cabela's or a Scheels, and they carry it from the store to their car, technically right now, that's illegal to do unless you're a carry concealed permit holder. And so when you say it's a gray area-- but nobody really enforces it, so this basically makes it now legal for you to carry a firearm as long as it's unloaded in the appropriate case between the store and



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your car, when you go to the gun range, from your car to the gun  
range, like most firearm owners do anyway. This is just now clearing  
up that gray area in statute. So with that, it will take any  
questions.

**LATHROP:** Senator DeBoer.

**DeBOER:** Good afternoon, Senator Hansen.

**B. HANSEN:** Hi.

**DeBOER:** You and I had a discussion earlier-- well, it was maybe  
yesterday, but maybe it was today-- anyway, recently about this bill  
and I just want to make sure so that it's on the record that when  
you're saying the-- for the purposes of this section-- subsection,  
case means a receptacle intended or designed for the purpose of  
storing or transporting a firearm, that by that, you mean literally.  
It wasn't like I decided at home I intend this bag, this paper bag to  
be my gun bag. It-- therefore, it is intended for that purpose. You  
intend-- by this language-- to me, it was manufactured or designed for  
that purpose?

**B. HANSEN:** Yes and that was some clarification on a previous question  
that you had earlier.

**DeBOER:** Yes.

**B. HANSEN:** And so we wanted to make sure that was defined specifically  
in statute so somebody isn't carrying around a paper bag writing "my  
gun" on it, you know, but this has to be a very specific container  
designed to hold a firearm and, and it's locked.

**DeBOER:** And maybe the word "manufactured" instead of "intended" might  
work there. There might be something there and you and I can talk  
about that.

**B. HANSEN:** Sure.

**DeBOER:** But if not, certainly on the floor, I will ask you so we can  
create the legislative history that suggests this is, in fact,  
supposed to be one that is intended by the manufacturer to carry a  
gun.

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**B. HANSEN:** Yep and I'd be willing to work with you a little closer if  
we need to as well.

**DeBOER:** All right, thanks.

**LATHROP:** I do not see any other questions. You will stay to close?

**B. HANSEN:** Yes.

**LATHROP:** OK, great. Thanks, Senator Hansen, for introducing LB173. We  
will now take proponent testimony, so if you're here in support of the  
bill, you may come forward. Welcome. Thanks for being here.

**JOHN ROSS:** Thank you. Senator Lathrop and members of the Judiciary  
Committee, good afternoon. John Ross, J-o-h-n R-o-s-s. Senator Ben  
Hansen, thank you for introducing LB173. I have hunted almost all of  
my life. Firearms have always been my first choice when hunting. My  
archery skills are not very good, so as a sportsman, I did not want to  
increase the chance of only wounding any animal or bird, which is the  
reason I always used firearms to hunt. I have shot firearms  
competitively for many years. I-- and I love to just play with my  
collection of firearms. The only record I have is some speeding  
tickets and a loss of the use of my BB gun for a long time when my  
mother caught me shooting songbirds. Sorry, Mom. I hold my rights to  
keep and bear arms very dear. As a law-abiding citizen that served  
this country to protect the Constitution and the Bill of Rights, this  
bill is needed to keep people out of trouble when they are carrying  
firearms in a lawful manner to engage in a lawful use of firearms. No  
law-abiding citizen should lose their right to keep and bear arms for  
carrying a firearm from a store to a vehicle in a parking lot or they  
had to park across the street from a gun range and they have to carry  
their firearm across the street. When teaching hunter education class,  
I have to transport and carry firearms to the classes I teach. I have  
taught hunter education in K-12 school buildings and I had firearms in  
the school. I should not have to fear breaking a concealed carry law  
when teaching hunter education and maybe have Game and Parks revoke my  
card to teach hunter education. Having a concealed carry permit is not  
requirement-- not a requirement to be a hunter education instructor. I  
would encourage you to advance LB173 to the floor for debate. Thank  
you.

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**LATHROP:** OK. I don't see any questions. Mr. Ross, thanks for being  
here.

**JOHN ROSS:** Thank you.

**LATHROP:** Next proponent. Welcome back.

**KEITH KOLLASCH:** Nice to see you again, probably going to be here all  
afternoon.

**LATHROP:** Busy guy today.

**KEITH KOLLASCH:** Good afternoon. My name is Keith Kollasch, Keith,  
K-e-i-t-h, Kollasch, K-o-l-l-a-s-c-h, and I'm a resident of Senator  
Slama's district and I am on the board of directors for Nebraska  
Firearms Owner Association and I would definitely like to say-- thank  
Senator Hansen for bringing this bill forward. This bill is very close  
to my heart I guess you could say. My day job, I'm a criminal defense  
attorney and I represented Mr. Senn in the Supreme Court case that  
brought about this mess. So this same type of bill is introduced--  
it's been introduced a couple of times and Senator Hansen has covered  
it pretty well as far as what the bill would fix. I did want to bring  
up some points as far as the issues that-- having this Supreme Court  
decision and how it's been enforced since that time and how it's  
affecting Nebraskans. Basically, we're in a situation where every  
year, there are currently thousands of Nebraskans violating 28-1202.  
Every firearms hunting season, deer season, there are tens of  
thousands of Nebraskans that are violating this statute and they don't  
even know it. You're not seeing thousands of arrests because it's  
basically the officer's discretion of whether or not they're going to  
be cited for it or not. The issue is it's exactly that, it's the  
officer's discretion. If you're hunting in a rural area, more than  
likely you get pulled over speeding, the officer says great, good luck  
hunting. But you take that same scenario, put it in north Omaha, and  
you have a young man in the same exact situation, has a firearm in a  
case in their back seat, due to different policing policies, different  
policing, policing objectives, more than likely, he's going to get  
arrested for carrying a concealed weapon. And another problem with  
that is now he's going to have a conviction for a firearm offense. Any  
second offense under the statute is a felony, so if he would get  
convicted of a second offense of carrying a concealed weapon, now in  
addition to the firearms convictions on his record, he also has a

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felony conviction with a firearm offense. So I would really like to see this move forward. I'd like to see the, the community vote it out so we can clear this up and not leave it to the officer's discretion, have a solid statute of what-- everybody knows what to follow and be able to not just leave it up to whoever happens to be making contact with the individual. So again, I'd like to see this moved out of committee and hopefully we can get this passed this year.

**LATHROP:** OK.

**KEITH KOLLASCH:** Thank you.

**LATHROP:** I don't see any questions, but I appreciate hearing from you again. Any other proponents?

**SPIKE EICKHOLT:** Good afternoon, members. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t, appearing as-- on behalf of the Nebraska Criminal Defense Attorneys Association in support of this bill. Senator Ben Hansen gave an introduction to the bill. I just wanted to speak to the reasons our association is supporting this law change. The 2016 case that Senator Ben Hansen referenced was State v. Senn, S-e-n-n, and that's at 295 Neb. 315. And in that case, the Supreme Court upheld a conviction for the crime of carrying a concealed weapon. In that case, the defendant was stopped by a police officer. He was helping his girlfriend move and in the back of a-- in the driver's compartment or in the passenger compartment of the U-Haul, underneath some clothing and some of her personal items, was a handgun. It was clear and unequivocal that the evidence was that while he was driving that vehicle, he could not reach the firearm, but it was concealed. The case law before Senn was that if you had a weapon on you, in your pocket, in an item on you, or you had it within your immediate reach of a vehicle that you were operating or driving, that was considered concealed. The concern that we have as defense practitioners was that when the court upheld the jury conviction on that and found the facts was sufficient, that that seemingly broadened that. This statute has always been sort of-- troublesome is maybe too strong of a word, but the statute has always been silent for how you transport a gun or something like that or any kind of weapon for that matter that's not immediately visible by a-- to a peace officer. I think somebody testified earlier that this bill was introduced in a very similar form a couple of years ago and it was advanced unanimously by the committee and we support the law change. I would

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just-- there was something else I was going to add to that, but I just wanted to explain that for the legislative history. And I think what this does at least provides for clarity in the law for when you can transport a firearm to and from your vehicle when it's, when it's concealed. I know that Senator DeBoer asked about the definition of case. That seemingly could be interpreted as being intended to carry the gun and that's all the case would be. I know that when an earlier version of this bill was being considered, there was some talk about having a case be maybe a gun manufacturer's case only. The concern that we have with that is that while Remington and those companies make gun cases, you, you can buy much more affordable ones, you know, at Scheels and Wal-Mart and that sort of thing, that aren't necessarily manufactured by a gun manufacturer. But I think if you look at the definition of case in a plain, ordinary reading, I would submit that it sort of means a type of case that is designed to carry a firearm or, or contain a firearm. So for the reasons that you've heard earlier, we encourage the committee to advance the bill.

**LATHROP:** Senator DeBoer.

**DeBOER:** So under the current law-- without this, but based on the, the case law, the only way I can transport a gun from point A to point B right now-- I suppose I could walk by a vehicle-- would be in my trunk or if it's, like, sitting up on the dashboard sliding back and forth?

**SPIKE EICKHOLT:** I don't even know-- assuming you don't have a carry concealed weapon-- CCW--

**DeBOER:** Right.

**SPIKE EICKHOLT:** --permit and you can carry it visibly in your car, which is dangerous, particularly for a stop by law enforcement, right, to have a gun just sitting up on your dash while that officer walks up. And I don't know if putting it into the trunk necessarily saves you from the cover of Senn. Senn may have been a reversal of the earlier standard, it's just unclear because it was sort of unusual. The trial judge correctly instructed the jury that carrying a concealed weapon means having it on or about your person or within immediate reach. They found him guilty. The Court of Appeals actually reversed that, but then the Supreme Court reinstated that verdict because the facts were sufficient. A couple of my members have had cases-- one of my members-- I think in Hall County or maybe as Merrick

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County-- had a guy with-- who was hunting pheasants, stopped at the local bar, got stopped for DUI, had the gun in the case, was cited for carry concealed weapon. Now they dismissed that when he pled to the driving under the influence, but that's kind of bad to have that dismissed charge on your record. So I, I think somebody said earlier, so far, even though many people may technically be in violation of the rule in Senn, law enforcement really isn't aggressively charging it or citing it, but the problem is that doesn't solve the problem. The law should be clear. You shouldn't allow for arbitrary or selective enforcement of law enforcement agencies to decide what the scope of the statute is.

**DeBOER:** It seems less safe to have a gun sort of sliding around in a car than in a case.

**SPIKE EICKHOLT:** That's right and the statute actually sort of requires that. To get the protection of the exception, it has to be unloaded--

**DeBOER:** It has to be--

**SPIKE EICKHOLT:** --and that's silent now in the statute.

**DeBOER:** OK, thank you.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Mr. Eickholt, for testifying. Just a point of clarification-- and, and I was here two years ago when we discussed this and at that time, the issue was Omaha city ordinance, OK, and it sounds like this is actually a problem in the entire state of Nebraska under existing law and it isn't just about if you're driving through Lincoln or Omaha, they have a city ordinance that's more restrictive than the state. Is, is that correct?

**SPIKE EICKHOLT:** I think so. This bill kind of got caught up with that preemption bill from a couple of years before, which is, in my opinion, maybe why it didn't get passed into law. But yeah, the-- this is dealing where the state statute applies statewide. An Omaha city ordinance may have different particular rules for who can possess a gun and how they carry it and this doesn't impact that.

**BRANDT:** But if we pass this, this would, would-- you know, I don't live in Omaha. I'm a-- going to do something-- hunter's education,

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let's say, at a school in Omaha. The state law would protect me from  
the Omaha ordinance?

**SPIKE EICKHOLT:** I think the state law would protect you. Well, I hate  
to get-- the state law would protect you throughout the state. Cities  
are allowed to enact ordinances that are not inconsistent with state  
law. So if we-- if the Legislature were to pass this, maybe the city  
of Omaha would have to amend its ordinance--

**BRANDT:** OK.

**SPIKE EICKHOLT:** --to be consistent with this.

**BRANDT:** OK.

**SPIKE EICKHOLT:** You would still be entitled to the protection of the  
state law while you're in Omaha, so you wouldn't be subject to being  
charged with a violation of 28-1202 or 1206 in, in the city of Omaha  
any more than you were if you were in Lancaster County or Fillmore  
County or someplace like that.

**BRANDT:** OK, that's good enough. Thank you.

**LATHROP:** Senator Morfeld.

**MORFELD:** Thanks for coming in, Mr. Eickholt. And maybe you said this  
in your testimony while I was reading the case. I was going through  
Senn and I should've just been listening, but my understanding in Senn  
was that it was a, it was in a, a gun case in the passenger seat on  
the other side, so driver's side, passenger seat, opposite side--

**SPIKE EICKHOLT:** Right.

**MORFELD:** --in the back seat. Is that correct?

**SPIKE EICKHOLT:** That's right and it was out of reach of the driver.

**MORFELD:** Yeah.

**SPIKE EICKHOLT:** So the, the argument was-- and you can see from Senn,  
it's kind of a bad case maybe to test this issue because there are  
some other charges, which incidentally, the person was found not  
guilty of them. The person he was helping moving was his girlfriend

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and she was still married, living with her husband at the time, right,  
so they were moving--

**LATHROP:** Can complicate things.

**SPIKE EICKHOLT:** It sort of complicates things. There was a  
confrontation between the boyfriend and the husband that led to the  
police being called. But when they stopped the, when they stopped a  
U-Haul and searched it, the gun was outside of his reach and so he  
was-- in addition to the other crimes he was charged with regarding  
the argument, he was cited and charged with carrying a concealed  
weapon because he was driving the vehicle with that weapon somewhere  
concealed in it.

**MORFELD:** OK. Yeah, I can see how that's problematic.

**SPIKE EICKHOLT:** I mean, if you take that rule and apply it to maybe  
more innocuous scenarios, right, not involving an argument between two  
men and a moving out situation, but you get people-- I think somebody  
said earlier-- we are probably in violation of whatever standard,  
whatever rule Senn holds and it should be clarified. That's why we've  
supported their associate-- our association's support of this bill in  
the past because it should be clarified one way or the other.

**MORFELD:** OK, thank you. That's very helpful.

**LATHROP:** I want to ask a quick question just because I don't know the  
answer to this and, and hopefully you do. So we pass this and somebody  
can have the pistol that they used at the range sitting in a gun case,  
sitting on the passenger seat. Can they have the clip in their back  
pocket? Like--

**SPIKE EICKHOLT:** I, I--

**LATHROP:** --is--

**SPIKE EICKHOLT:** Somebody else might know behind me. I think--

**LATHROP:** Is there something in statute that, that prevents them from--

**SPIKE EICKHOLT:** Well, the clip alone is not a, a weapon or not a  
firearm, certainly under any of the statute. I don't think it's a



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weapon. I suppose you could maybe hit somebody with it and cause some  
injury, right, just because it's made of metal, but I don't think--

**LATHROP:** No different than your car keys probably.

**SPIKE EICKHOLT:** Right, no different than car keys or anything else.  
And then there's another statute that defines knife and other weapons  
that requires a mens rea that you're possessing with intent to do  
something with it bad and if you have that concealed, then it's, then  
it's considered a different type of weapon.

**LATHROP:** Just thought you might know the answer to that. That's all  
right. Any other questions for Mr. Eickholt? I don't see any. Thanks  
for being here and for once again, educating the committee.

**MELODY VACCARO:** Hi.

**LATHROP:** Welcome back.

**MELODY VACCARO:** Thank you. My name is Melody Vaccaro, M-e-l-o-d-y  
V-a-c-c-a-r-o. I'm with Nebraskans Against Gun Violence. Thank you to  
Senator Hansen's office for reaching out to us for our support today.  
We are happy to provide it. One thing we did want to. We have been big  
proponents of safe storage policies and we know that just in the past  
year with the pandemic, one of the biggest drivers of gun sales in  
this country is when people are afraid. The more afraid they are, the  
more gun sales that we have. And we know in Nebraska and around the  
country, gun stores have run out of stock of certain models of guns.  
They're running out of ammunition of certain kinds. We have more  
people with guns in Nebraska than we've ever had before and it is  
incredibly important that we are providing guidance on how people can  
transport those guns when they go to training, when they go to  
practice and learn how to use those weapons because we just-- we know  
how critical education is in lowering gun deaths and gun injury and so  
we are strongly in support of the unloaded part. We have the same  
concerns as Senator DeBoer. We also have the same concerns as a  
previous testifier about the racial element right now with it's just  
kind of at the police discretion. We think it's really important that  
this is clarified and that we have a strong safe-storage policy on how  
to transport intrastate. And then I passed around the federal law,  
which is interstate, of how you have to carry guns around the country  
and how you get some level of protection if you do it according to the

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federal guidance if that helps when you're talking about this bill  
later and workshopping it for General File.

**LATHROP:** OK. Are you-- that's-- are you done?

**MELODY VACCARO:** Yeah, I'm done.

**LATHROP:** OK, you just stopped. I didn't know if you were waiting.  
That's OK, though. You did a good job. We appreciate you being here  
and I don't see any questions for you today.

**MELODY VACCARO:** Thank you.

**LATHROP:** Thank you. Any other proponent testimony? How many more  
people want to testify on this bill? The only reason I ask is that we  
want to alert the next senator about how much time he needs before he  
needs to be down here to introduce. Four people? Good afternoon.

**RANDY BENDORF:** Hello again, Chairman. Randy Bendorf, B-e-n-d-o-r-f.

**LATHROP:** You can go ahead.

**RANDY BENDORF:** I'm a proponent of course. When I was an NRA instructor  
and a range officer at the Eastern Nebraska Gun Club-- like I said  
before, with over 3,000 members-- that was a big question that came  
up, transporting the guns, so I did read about the case. It seemed  
like it was enforced in Douglas County, but not Sarpy, so-- the other  
counties, so it did need clarification. But the majority of the people  
that I educated, trained, or come to the range have pickup trucks, so  
we were instructing them to bolt down a trunk in the back and lock the  
trunk to be able to put their firearms in there. And the previous  
question that-- I think the law originally stated that the ammunition  
and weapons should be separate or out of the gun. One had to be in the  
trunk or glove-- separate in, in the car. So it would be nice-- love  
to-- be nice to have clarity on that. And I trained with many of the  
LEOs and it's-- it would be nice for them to have some clarity, as  
the, the gentleman mentioned this morning. So when they pull somebody  
over there, it's not such an obtuse thing, but anyways, that's it,  
just a definite proponent of clarity in the law.

**LATHROP:** OK. I was writing something down that you said. Thank you for  
your testimony. I appreciate it. Good afternoon.

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**WAYNE McCORMICK:** Good afternoon. Thank you, Senator Lathrop-- Chairman-- and the rest of the board member-- or the committee members. My name is Wayne McCormick, W-a-y-n-e, McCormick, M-c-C-o-r-m-i-c-k, and I rise here in support of LB173. It's kind of interesting. I am going on my first elk hunt this fall. I needed to get my hunter safety number for Colorado, for Colorado, so I did it in Nebraska. One of the first things they recommended in this hunter safety course that I went through online was to-- in order to transport your firearm safely is to use a proper case-- unload, use a proper case to transport the, you know, the, the firearms. And I guess one of the reasons I got a CHP, concealed handgun permit, many years ago was because of this gray area of not knowing if, if I had the, the firearm in the vehicle with me, I didn't know for sure where I would stand. Well, with the recent court case, it's, it's very, you know, scary when you're going to and for-- from the gun range and everything else. I recommend it to my children that when they're going to practice or at the range or going-- getting ready to go hunting, that they put it in a case, put it out of reach and in the trunk if possible. Well, two of my children have vans, minivans, and there's no way to get that out of the passenger vehicles-- passenger section of the vehicle, so this is a great clarification bill. I appreciate Senator Hansen for bringing this up because it just makes so much sense, you know, to me, for safety, much better than carrying the gun in open sight of everybody, you know, because you can carry your shotgun in the, in the passenger seat or whatever, so-- thank you for your time and consideration on this bill and I guess I would urge that you vote this bill out of committee when the opportunity comes and get it to the full floor for debate. Any questions that you have for me?

**LATHROP:** I don't see any questions. Good luck with that elk hunt.

**WAYNE McCORMICK:** Oh, thank you.

**LATHROP:** Yeah, that's not easy to get a permit.

**WAYNE McCORMICK:** It's been on my bucket list for a long time. I just haven't been able to do it.

**LATHROP:** Yeah, that, that would be cool to do.

**WAYNE McCORMICK:** All right, thank you.

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**LATHROP:** Thanks for being here. Next proponent.

**DAVID PRINGLE:** I've been waiting for that for 30 minutes.

**LATHROP:** Yeah. Welcome.

**DAVID PRINGLE:** Thank you for having me again. My name is David Pringle, P-r-i-n-g-l-e. First, hopefully nobody mischaracterizes any statements that I've made and made false statements in the media. If you do and you, and you feel like you've made a mistake, please correct it immediately. I will not be as understanding as I was last year. Second, I'm a proponent only in that it goes a little further. This is not even far enough. The situations that you're covering are not close to the variations in everyday life that people have when they have to transport a firearm. So I run Deguns, that's Discount Enterprise. It's out on O and 134th and according to ATF records, we transfer more firearms to Nebraskans than any other source. One of our core values, number three, is that we are the experts and so you can imagine how frustrating it is when there's a piece of legislation that's so convoluted that nobody understands it, nobody. You heard the attorneys in here already. They don't know. Now imagine what happens if you want to sell a used gun and you don't have an exact transportation receptacle, a case. I-- you know, I just finished a meeting with Bob Allen gun cases a little while ago before I came here and so that's a company that's not a manufacturer. But more importantly, what if you want to sell this gun and you-- you're not even into guns? You were left, in your grandfather's estate, a Remington 870. You don't want it. You're not into it, but you know it has value, so you're going to bring it to me. How are you going to transport it? Most people, what they do is they wrap it in a blanket or something and throw it in their car. They're not a desperado. They're not a criminal and they're somebody that can't understand the law because it's so convoluted. We have Nebraskans from all over this state constantly, in every class that we teach, that have no ability to understand the nuances of local laws-- talk about preemption-- and so they just go around and they're putting their freedom at risk and their good name at risk. And they could get a concealed-- the situations that I can give you are the mom who goes to Wal-Mart with her three kids and she runs afoul of Lincoln Safe Storage, where she wants to store her gun right because she's a responsible citizen. And what if she was open carry before she went in there and she puts it in the-- underneath her seat and she goes into Wal-Mart. She's got three

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boys, seven, four, two, and they're running around. Mom, I want this. Mom, I want that. She gets out to her car. She gets in her minivan over there at Wal-Mart on 84th, pulls out and the police officer that's behind her realizes she's got a light out in her car so he pulls her over. What's she going to do? Because she's a responsible citizen, she's going to admit to a crime of a concealed weapon in her car right that second. And depending on what day that officer is having, he could do whatever he wants, so thanks.

**LATHROP:** Mr. Pringle, before you get away, let's see if there's any questions for you.

**DAVID PRINGLE:** Yes.

**LATHROP:** I don't see any. Thanks for your testimony. Good afternoon.

**CORINNE HARROLD:** Good afternoon. My name is Corinne Harrold, C-o-r-i-n-n-e H-a-r-r-o-l-d. I'm almost 17 years old and a student at PLHS. I enjoy shooting sports and I'm here to ask you to pass LB173 out of committee. When I turn 18, I would like to be able to take my equipment to the range to practice my skills and enjoy myself, but my vehicle does not have a trunk space available for me to store everything that I need. Because of the Supreme Court ruling, if I were to take my rifle in its case and place it back in my SUV and drive to the range, I would ultimately be breaking the law. Carrying a concealed weapon is a firearms violation so even after my first offense, I would lose my ability to get my concealed handgun permit for ten years, making me 28 years old before I would have a firearm to protect myself. If I were to get in trouble again, I would become a felon and pretty much lose the ability to have a normal life, all because I want to be a safer and responsible gun owner. And practice my skills, I need to become better. Thank you for listening to what I have to say and please vote LB173 out of committee.

**LATHROP:** OK. Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Ms. Harrold, for testifying. Are you, like, on the high school trap team, something of that-- is this a high school activity that you're participating in?

**CORINNE HARROLD:** No. I play softball, but in my free time, I go to the range with my mom.

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**BRANDT:** Well and maybe you know the, the answer to this, but my, my question is if you were on, like, the high school trap team--

**CORINNE HARROLD:** Yes.

**BRANDT:** --the coach would obviously make some provision or, or-- I was just sort of curious of how the law handled high school kids that are under the age of 18 or 19 and in transport, but it-- you may not know the answer to that.

**CORINNE HARROLD:** I would ultimately not be able to park on school grounds and I would possibly get in trouble on the walk over to where I would have to leave my car to get where I have to go or on the way back. It would really all depend, but I would not be allowed to park on school grounds because if they have any reason to search my car, they have every reason to believe what that case is in the back for.

**BRANDT:** OK, thank you.

**LATHROP:** OK. I don't see any other questions. Thanks for coming down today.

**CORINNE HARROLD:** Um-hum.

**LATHROP:** Any other proponent testimony? Seeing none, is there anyone here in opposition to the bill?

**\*ANGELA AMACK:** Members, my name is Angela Amack, appearing before you as a registered lobbyist on behalf of Every town for Gun Safety and the Nebraska Chapter of Moms Demand Action for Sheila Turbes. Please accept this letter in lieu of testimony for the Committee Statement and Permanent Record. Dear Committee Chair and Committee Members, My name is Sheila Turbes. I am a volunteer with the Nebraska Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of Americans fighting for common-sense public safety measures that respect the Second Amendment while also working to protect Americans from gun violence. I am writing to express my opposition to LB173, which would quote "change provisions relating to carrying a concealed weapon". I support the second amendment. I am grateful for those who practice gun safety, and teach the importance of that safety to their family and friends. In fact, family members and some of my closest friends are gun owners, and handle and store their firearms responsibly because they know how dangerous it could be if their

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firearm falls into the wrong hands. So why would we support a bill to allow someone who has never been trained to carry a hidden, loaded firearm in public? This bill would allow hidden handguns to be carried in public in a "case." What is a case? Is it a holster? A backpack? And what about ammunition? Will they be able to carry ammunition in the same backpack as their unloaded firearm? I don't think it's an out of this world concept to not allow someone to carry hidden loaded guns in public, without a permit, proper training, or a background check. In fact, evidence shows states that have enacted "permitless carry" have seen a substantial increase in firearm violence. After Alaska enacted a permitless carry law, the state experienced a 65% increase in the rate of aggravated assaults with a gun per year. That increase represents an average of 465 more gun-related aggravated assaults each year. This was also the case in Arizona, where the state experienced an increase in 921 gun-related aggravated assaults per year. The thought of Nebraska following in these footsteps is heartbreaking and devastating. We require law enforcement, brave men and women who have worked in violence prevention and community safety to take hours and hours of training, and even then sometimes ask them to renew their training every few years, but with this bill, we would allow people to carry loaded firearms in public with no training? Permitless carry dramatically lowers the bar for who can carry a concealed handgun in public - to include in some cases violent criminals and weapon offenders, and people who have no firearm training. The fact is that this is a dangerous bill. I hope that you keep the safety and wellbeing of Nebraskan in mind when you make your decision on this bill. Sheila Turbes Volunteer Nebraska Chapter of Moms Demand Action

**LATHROP:** Anyone here in a neutral capacity? No neutral testimony. Senator Hansen, you may close. We do have 49 position letters; 47 position letters are proponents, 2 of them are opponent, and we have written testimony from Angela Amack with Everytown for Gun Safety who is an opponent and offered opponent testimony this morning. Senator Hansen, you may close.

**B. HANSEN:** All right. I appreciate everyone's testimony and a diverse group that we had in here for gun safety and so I will keep this very brief because I know you guys have a long day, so any questions?

**LATHROP:** That's brief--

**B. HANSEN:** Yep.

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**LATHROP:** --and appreciated. I see no questions for you, but thanks,  
Senator Hansen.

**B. HANSEN:** All right. Thank you all, appreciate it.

**LATHROP:** I appreciate you bringing the bill. That will close our  
hearing on LB173. I'm afraid we're going to have to clear the room and  
do this all over again, if you don't mind.

**DeBOER:** I got to get organized.

**KENNEDY ZUROFF:** [INAUDIBLE]

**DeBOER:** That's OK. Thanks. What do we have next? McCollister?

**BRANDT:** LB116.

**DeBOER:** That will take a little longer I think.

**McCOLLISTER:** [INAUDIBLE]

**LATHROP:** We're clearing the room and then bringing in a new group of  
people, so it's going to take a little while to--

**McCOLLISTER:** Gotcha.

**LATHROP:** --recycle the room.

**DeBOER:** There used to be a lot more chairs in here, huh, last year?

**LATHROP:** Is that it? OK. Committee is ready. We're ready. Senator  
McCollister, you may open-- welcome and you may open on LB116.

**McCOLLISTER:** Thank you, Chairman Lathrop and members of the committee.  
I am John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I  
represent the 20th Legislative District in Omaha. LB116 would add  
important safety and suicide prevention measures to the current law  
that applies to the purchases of handguns. According to the American  
Public Health Association and the Centers for Disease Control, suicide  
by firearm is a major public health problem. In 2016, firearm suicides  
accounted for half of all suicide deaths in this country, particularly  
during times of increased risk for suicide, such as divorce, job loss,  
and mental health problems. The CDC reports that suicide rates in the  
U.S. have increased by nearly one-third over the last 20 years.



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Suicide is the second-leading cause of death among individuals ages 10 through 34. It was the 10th-leading cause of death among all age groups. Suicide is also a significant, significant economic issue. According to the Suicide Prevention Resource Center, the estimated cost of a single suicide is \$1,329,000. Nearly all this cost is attributable to lost productivity, with the remaining 3 percent cost to mental treatment or medical treatment. The center also reported that the total cost of suicides and suicide attempts is \$70 billion a year. There is ample evidence that the intention to commit suicide is transitory. If a person survives a suicide impulse, his or her prognosis is quite good. However, if a person attempts suicide through a means that is highly lethal such as a firearm, the odds of survival are quite low. In Nebraska, over 50 percent of the suicides involve the use of a handgun. The current statutory requirement that a purchaser must apply for a certificate and undergo a background check before acquiring a handgun would be amended in two ways. First, the waiting period from the date of application for the certificate until it's issued would be between two and five days. This short delay, usually no more than one day, would give a person an intent on harm to self or others a window of time to reflect on the impulse to purchase a handgun and hopefully change one's mind. Second, when issuing the purchase certificate, the county sheriff or chief of police would be required to issue evidence-based information materials aligned with the best practices in suicide prevention. The Kim Foundation has graciously agreed to develop and distribute these materials throughout the state free of charge. Thus, there will be no fiscal note in the, in the bill. I included some examples of the Kim Foundation's current suicide prevention materials as a rough example of what will be provided. Finally, the application fee for the purchase certificate would be increased from \$5 to \$10. This increase would help law enforcement agencies to cover their costs for processing these applications. This may-- bill may be misrepresented in an effort to chip away at Nebraska's Second Amendment rights. This is absolutely not true. I want to state explicitly this bill will not stop anyone from purchasing a handgun who wants to purchase a handgun after a background check. This bill does not stop the transfer of handgun ownership within families without purchase certificates. On the whole, Nebraskans who own handguns do so in a wholly responsible manner and will never contemplate using a handgun to intentionally take a life or to end his or her own life. Sadly, firearm suicides still take place

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and this bill will simply-- is simply an effort to reduce the number  
of firearm suicides. I would be happy to answer any questions.

**LATHROP:** OK. Any questions for the introducer? I see none. I assume  
you'll stay to close?

**McCOLLISTER:** I will not.

**LATHROP:** Oh, you're not going to close? All right, that's fine.  
Thanks, Senator McCollister. I appreciate it.

**McCOLLISTER:** Thank you, Senator.

**LATHROP:** How many people here are going to testify in favor of the  
bill, proponents? How many opponents? OK. We will take 30 minutes-- no  
more than 30 minutes of proponents and no more than 30 minutes of  
opponent testimony. And with that, we will begin with proponents. Good  
afternoon.

**MELODY VACCARO:** Good afternoon. My name is Melody Vaccaro, M-e-l-o-d-y  
V-a-c-c-a-r-o, and I-- we are-- I'm representing Nebraskans Against  
Gun Violence. We are in support of Senator McCollister's bill. I'm  
passing around a page from the Nebraska firearm report that we  
published last year. I passed around a page from it this morning, but  
I don't think I referenced where it came from. But this is CDC data  
and Nebraska Vital Statistics just to kind of show how serious the  
suicide problem is in Nebraska. And so you can see between 2008 and  
2018, 2,396 died of suicide and 1,268 were firearm suicides. Over half  
of Nebraskans who die by suicide use a firearm to end their lives and  
there are significant increases in the 20 to 30 bracket and the 50 to  
60 bracket of age. So we think this is really good. We really like the  
waiting period, the 48-hour minimum waiting period to get a handgun  
certificate. Any time you can put between a suicidal ideation and an  
attempt is going to be-- help your outcomes. We know that means  
matters. This, of course, would not address all firearm suicides,  
right, but if that is the reason you're purchasing a firearm, a little  
cooling off period we think will be really good. We like the mandatory  
suicide education-- firearm suicide education when that comes with the  
permit training. We like that it's coming with the handgun permit. We  
appreciate that it is suggested that FFLs distribute that material.  
One thing that we have noticed just in general in suicide prevention  
materials is they often minimize firearms in those materials. And we

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know the number one method of suicide in Nebraska are by firearm, so we have to really emphasize that means matters. And when people are struggling and they're having a tough time, the number one thing we can do to help them is for removal of those firearms or to prevent them from getting firearms for a period of time. And I just want to say, for anybody that is listening, you know, if you are worried about a friend of yours, if you can hold their guns for them while they are struggling, you might actually save their life. This is really, really an important issue and we appreciate that Senator McCollister is looking to use education as one of the ways we can get those numbers down and save lives of Nebraskans.

**LATHROP:** OK. Thank you for your testimony. I don't see any questions for you.

**MELODY VACCARO:** Thank you.

**\*JON CANNON:** Good afternoon members of the Appropriations Committee. My name is Jon Cannon. I am the Executive Director of the Nebraska Association of County Officials. I appear today in support of LB116.

LB116 would, among other things, increase the fee for each application for a handgun certificate to cover the cost of a criminal history check. The five-dollar fee has been in place since 1991. In other words, this amount has not changed for 30 years. While there have been several bills since that time which were introduced with the intent to increase the amount for the certificate from \$5 - \$10 or \$5 - \$25, those efforts have been unsuccessful. The sponsors of the referenced legislative bills have introduced those bills with the background and understanding that the costs for processing handgun certificates has gone up significantly in large part due to the increase in the number of handgun permits that need to be processed, the staff time needed to process the handguns and other related costs for processing handgun permits. The distribution of information about a stigmatized topic of suicide can assist individuals in receiving resources necessary to discuss suicide prevention and possibly allow someone to talk openly with others about this mental health conditions and suicide which are important and difficult topics to have conversations about. We ask you to please consider these statistics about suicide and our thoughts about the fee increase as you evaluate the merits of LB116. Thank you for your willingness to consider our comments. We encourage you to

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advance LB116 to General File. If you have any questions, please feel free to discuss them with me.

**\*ANGELA AMACK:** Members, my name is Angela Amack, appearing before you as a registered lobbyist on behalf of Every town for Gun Safety and the Nebraska Chapter of Moms Demand Action for Sheila Turbes. Please accept this letter in lieu of testimony for the Committee Statement and Permanent Record. Dear Committee Chair and Committee Members, My name is Sheila Turbes. I am a volunteer with the Nebraska Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of Americans fighting for common-sense public safety measures that respect the Second Amendment while also working to protect Americans from gun violence. I am writing to urge the committee to support LB116, an important bill that would provide Nebraska law enforcement officials with more time to conduct a background check for individuals applying for a handgun transfer certificate. This bill would also require that suicide prevention literature be included along with approved certificates. Firearm suicide makes up 74% of all gun violence in the state. From 2010 to 2019, the firearm suicide rate increased by 38 percent. The research shows that the difference between living to see a better day or dying by suicide is often determined by the presence of a gun. Given the unique lethality of firearms as a means of suicide, addressing gun suicide in Nebraska is essential to the public safety of the state. Including suicide prevention literature is a step towards educating Nebraskans about an issue that deeply affects the state. I urge the committee to please vote YES on LB116. Thank you for your time.

**LATHROP:** Next proponent. Anyone else here to speak in support of the bill? OK. We will take opponent testimony. Welcome back.

**DAVID PRINGLE:** Thank you. Long time no see. My name is David Pringle, P-r-i-n-g-l-e, and I'm not really-- I'm not opposed to suicide prevention, obviously, and I am very caught up in the issue. I've been involved in the gun industry for a long time. I'm a gunsmith by training. One of the things that the master gunsmiths that I trained under tried to get us prepared for was when family members bring what they call a suicide gun to us to clean and put back in working order, so it's a very complicated issue and it's not entirely about the gun. What I'm here for is to talk to you about the system. When Senator, Senator McCollister said that we weren't going to lose any more Second Amendment rights, I 100 percent agree with him on this bill. We're not

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going to lose any more than we've already lost and so what I'm here to do is talk to you about the purchase permit system. It's a golden opportunity because you want to expand something that's fundamentally not functional. It does not work. On the purchase permit, when you-- when it's issued and it's on a state document, it has a watermark and it also-- when you turn it over and you make a copy, it says void. Right now, there are several counties, Cass County being one of them, where they're simply making a copy on a piece of paper. This could be your permit. I've talked to the state police about it. They don't care. It's not-- the girls at the office think how could you forge an NTN number, which means NICS transaction number? So I want to just-- I end up having to do background checks anyway because the state hasn't been a dependable partner and I tried to speak to you about this last year on the same bill. And so the problem here is that there's no uniformity in the system and I have to make decisions. Obviously, as the firearms license holder, I am the final decision on whether a gun is transferred to you. If I don't want to, I don't have to and there's nothing that anybody can do to make me. Whether you've passed a background check, whether you have a concealed handgun, if I think there's a problem or one of my people, you are not leaving our store with a firearm. It's very serious. We just actually had a member commit suicide-- not a member, a, a customer and it was a crazy thing, but the bill wouldn't have slowed him down. I just had a member of my family try to kill themselves a few months ago and I'll tell you what saved him was a deputy with Narcan. That's a lot more important. I-- as an organization at Deguns, we worked with wtta.org-- walkthetalkamerica.org. It's for gun owners, by gun owners for suicide prevention. I mentioned it in my testimony last year. What we will do as a company is we will pay for every single gun transfer to the state to receive a pamphlet from WTTA and it can be written in a coalition. Other groups can be involved that aren't friendly to guns and that way it's not mandatory and it's nothing that's been regulated. It's something that we can do that's a normal thing and it's my offer to the state and to everybody. We're going to do it anyway.

**LATHROP:** OK. I appreciate that offer, Mr. Pringle. I don't see any questions for you today.

**DAVID PRINGLE:** Thanks.

**LATHROP:** Thank you. Next opponent. Good afternoon.

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**KENDA KUEHNER:** Good afternoon. My name is Kenda Kuehner, K-e-n-d-a  
K-u-e-h-n-e-r.

**LATHROP:** Go ahead.

**KENDA KUEHNER:** And with LB116, obviously, there's three different parts to it. There is the increase in the permit fee, which to me is irrelevant. I don't have any problem with that. There's the time frame of the permit and then there's the suicide education. If the permit is mailed no sooner than 48 hours after the app is received and then three to five days to be mailed-- we all know our mail system, especially right now with COVID and everybody doing online stuff. It may take two weeks for me to get a letter out in western Nebraska from Omaha. So I think that time frame-- waiting, waiting that additional time frame is completely unacceptable for a permit. The other issue I have with that is if I had an ex-husband, an ex-boyfriend, anyone that was threatening to me, was making me fear for my life, I would have to wait. I could not get a permit immediately and feel like I could protect myself and I don't like that idea. I feel like my life would be in danger not being able to have that permit and purchase that weapon right then and there. The other issue, if I was somewhere, let's say Brownlee, Nebraska, I'm going to go somewhere to get a firearm. I fill out the paperwork, I go back to Brownlee, I have to come back to get my firearm after 48 hours later. So I don't like that for the people that live out in the very, very rural areas of the state. As far as suicide prevention, I worked in the healthcare industry-- still do-- as an emergency room nurse for almost 16 years. Believe me, I've seen my fair share of suicides, some by gun, several not by gun. Like the previous gentleman said, we have medications that are lethal. We have vehicles that are lethal. Anything can be lethal-- pesticides-- but we don't have a waiting period for any of those things, so I don't think we need that waiting period for weapons. Oh, sorry, I thought it was red. I also don't think that the CHP instructors are the ones that should be teaching suicide prevention. Again from a healthcare professional, suicide prevention is important, but I don't think they have the expertise and the insight to actually do the thorough enough teaching on suicide prevention. I think they can touch on it. I think they can prevent-- they can present by slide or any other means-- by pamphlet-- but I don't think they have the true training and knowledge to teach suicide prevention. Their knowledge is in the weapons and the use of those weapons.

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**LATHROP:** OK.

**KENDA KUEHNER:** That's it. Thank you.

**LATHROP:** All right. Thank you for being here today. Where did you say  
you were from?

**KENDA KUEHNER:** I'm from Kearney, Nebraska.

**LATHROP:** OK. Well, you had a little drive, didn't you? Next opponent.  
Welcome back.

**CORINNE HARROLD:** Hello. I'm Corinne, C-o-r-i-n-n-e H-a-r-r-o-l-d. This  
is not a suicide prevention bill. This is more of something for a gun  
control type of bill. This bill will not save anyone's life, as it  
does not provide anything to prevent it from happening. This bill  
would not have saved my father's life, as he had a shotgun for ten  
years before he did what he did and he did not have a CHP. We cannot  
segregate this type of training and this type of information to only  
gun owners and who wants to own a firearm. This is something that  
needs to be open to everybody, such as young teenagers as myself, as  
they are part of the issue. We should be having this training as a  
normal thing in a school environment, a work environment, and it  
should be left to healthcare professionals and not instructors at a  
gun range who are there-- who provide us with instructions of how to  
use the firearm safely, how to shoot downrange safely, and teach us  
what we need to do to take care of them. We are not doing enough for  
the majority of Nebraskans who need to learn this type of training and  
I think we need to fix it and change this.

**LATHROP:** OK.

**CORINNE HARROLD:** That's all I got.

**LATHROP:** Well, thanks for your testimony--

**CORINNE HARROLD:** Um-hum.

**LATHROP:** --appreciate you being here. Next opponent. Welcome back.

**JON ANDERSON:** Thank you. My name again, Jon, J-o-n, Anderson,  
A-n-d-e-r-s-o-n. I'm here to testify on behalf of myself and not NFOA  
today on this bill, I've come today to urge the committee to vote

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against LB116. As a lifelong Nebraskan and a staunch believer in the rights that are enumerated in both the Second Amendment to the Constitution of the U.S. and Article I of the constitution of the state of Nebraska, I believe this bill is, at best, an erroneous attempt at keeping the public safe and at worst, a blatant attempt to deny Nebraskans our constitutional rights under the guise of suicide prevention. No reasonable person would deny that suicide is a serious and necessary topic that needs to be discussed and destigmatized in our modern society. In fact, I almost resent the fact that I have to oppose a suicide prevention bill because I don't oppose suicide prevention at all. But using the word suicide prevention to help push a bill that is only designed to deny rights to Nebraska citizens, it's not only disingenuous, it borders on dishonest. While I have no objection to including informational materials regarding suicide prevention and firearm safety with every handgun transfer certificate, I'm concerned with the language in the bill that would require a CHP or other firearm class instructor to also include in their curriculum training for suicide prevention. I do not believe that it is either right or necessary to expect someone with no psychology background to teach what is clearly a subject that is best left to professionals in the mental health field. I mentioned earlier I consider this bill to be an attempt at denying rights to Nebraskans. I say that because this bill would change the current requirements for issuing a handgun transfer certificate in two ways. First, it would extend the deadline from three days to five days and since that time period does not include Saturdays, Sundays, or legal holidays, that can easily lead to waiting an entire week to receive a certificate. Second, this bill would create a requirement that the certificate cannot be issued until after 48 hours. The last time I was issued a handgun transfer certificate, I was able to walk into the Norfolk Police Department and walk out with my certificate. That means that the background check was processed in a matter of minutes and even the full three-day period was not necessary in my case. This bill would change that to add a mandatory waiting period on issuing the certificate and therefore a mandatory delay of every Nebraskan's right to purchase a handgun. I've often heard people quote Dr. Martin Luther King Jr. saying a right delayed is a right denied. This sentiment is echoed by the story of Carole Brown of Berlin, New Jersey. Ms. Brown was murdered by her ex-boyfriend while she waited for her permit to be issued so she could be given permission to exercise her constitutional right to purchase a firearm to protect herself. Calvin Coolidge once said it's much



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better-- excuse me, it's much more important to kill bad bills than to pass good ones. I would like to leave the committee with my opinion today that any bill that could potentially cause harm to a Nebraskan's safety by denying the right to defend oneself due to a mandatory waiting period in order to obtain permission from the government to exercise a right that both our state and federal constitutions mandate shall not be infringed is indeed a bad bill. And I would also like to echo the sentiment this bill would do nothing to prevent me from committing suicide because I own firearms already. Even if I didn't have a CHP or a transfer certificate, it wouldn't slow me down if that was my intent.

**LATHROP:** OK. I don't see any questions for you, Mr. Anderson. Thanks for being here. Other opponent testimony? Good afternoon.

**JENNIFER HICKS:** My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s. I live in Peru, Nebraska. I'm here to ask you to oppose this legislative bill and I just-- I oppose any legislation that would seek to impede a person's right to bear arms and this impedes it by-- through delay, through delay, the expansion of the length of time and the, the waiting period. This makes the process less efficient and more costly. I also was listening in earlier for the morning session and it was mentioned today that the Nebraska State Patrol is already overburdened. And it, it brought to mind that if that is the case, then the requirement for them to prepare new material would seem to possibly prove to be an additional burden upon them. And as for the suicide prevention training, I don't believe it belongs in any gun legislation. I just don't believe it's the place for it. I think it's important and I think if you're sincere in your efforts and concerns about suicide prevention, you might look at what's been going on in the last year with the COVID response because I have three teenage sons and I will tell you that the conversations that they have with their friends, that's an area where, where mental health probably should be concerned, but it has absolutely no place in gun legislation. It's a mental health issue and it belongs elsewhere. That's all I have to say.

**LATHROP:** OK, thank you for your testimony. Anyone else here to speak in opposition? Welcome.

**TRAYTEN GRUBB:** Hi. I'm Trayten Grubb, T-r-a-y-t-e-n, last name, G-r-u-b-b, of Lincoln, Nebraska. Today, you know, there's a lot of

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things I could talk to you about. I want to get personal and talk about my mother, my mother protecting herself. You might remember in 2016, Timothy Clausen and Armon Dixon. They were violent, convicted rapists and they escaped from a max-security prison. Now this was just blocks away from my mother's house. They didn't inform right away, but once they did inform, it would be perfectly reasonable to expect her to want a firearm at this time to protect herself from the convicted rapists that are in the area. They escaped on a Friday. Timothy was not captured until Wednesday and so through that whole period of time, you know, if we extend this period, in these scenarios, it's just going to keep a person from protecting themselves even longer. A person that's going to kill themselves, they're going to find a way to do it no matter what, but what about my mother that wants to live? That's really all I have to say.

**LATHROP:** OK.

**TRAYTEN GRUBB:** She should, she shouldn't have to wait to protect herself.

**LATHROP:** I don't see any questions for you, Mr. Grubb, but thanks for being here. Other opponent testimony? Welcome back.

**KEITH KOLLASCH:** Good afternoon again. My name is Keith Kollasch, Keith, K-e-i-t-h, Kollasch, K-o-l-l-a-s-c-h, and I am a resident of District 1 and I am on the board of directors for Nebraska Firearms Owners Association and I'm here today to testify against LB116. I'm going to keep it kind of brief and just go from one area in specific and that is the 48-hour waiting period. Just last month, this committee heard testimony on LB118, which would extend a protection order from one to five years. The idea that an abuse victim is in such danger that it would necessitate a protection order being extended to five years rather than one year is interesting when you compare it to this bill where you're making that same domestic abuse victim wait 48 hours at minimum to be able to purchase a firearm to protect, protect themselves in the immediate, the immediate time where they are actually most vulnerable from their abuser. I don't think it is right to be able to take that right away from them. This bill, it's-- it won't stop them from purchasing a firearm, but it will delay them and that delay can have some serious consequences. So I'd like to see this committee vote down LB116, not advance this to the floor. Allow

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victims of abuse to be able to protect themselves when they most need  
that, that protection and thank you for your time.

**LATHROP:** OK. I don't see any questions again, but thank you for your  
testimony. Anyone else here to speak in opposition to LB116? Anyone  
here to speak in the neutral capacity? Senator McCollister, you make  
close. If you will allow me, we do have 116 position letters. Pardon  
me, it's LB116. We have 47 letters; 9 of them are proponents, 38 are  
in opposition. And we also have written testimony received this  
morning from Jon Cannon with NACO in support and Angela Amack with  
Everytown for Gun Safety, also in support of the LB116. Senator  
McCollister.

**McCOLLISTER:** Yeah, thank you, Mr. Chairman. I'm glad to know that  
the-- there's no uniform certificate that law enforcement uses for  
this, so I think we could easily amend the bill to include some  
uniform certificate. The other thing we should recognize, that when  
you get a concealed handgun permit, it comes with an obligation to get  
training. So, you know, the-- this, this issue about an extra day  
could be lethal, I think this is, is a red herring. So I-- the  
training is an important part of getting a concealed handgun permit  
and that, that occurs, I think, before you can actually get that  
permit, so I'm not sure the waiting period is, is that much of an  
issue.

**LATHROP:** OK, I don't see any questions for you, John--

**McCOLLISTER:** Thank you.

**LATHROP:** --but thanks for being here today.

**McCOLLISTER:** Yes, sir.

**LATHROP:** That will close our hearing on LB116. Before we do-- we're  
going to have to turn the room over again, so if you don't mind, we'll  
go through the process that-- we do this to afford people an  
opportunity to be heard, so I hope you understand. We had to implement  
a process so that people left and then got in line and came in so  
people didn't park in the hearing room.

**HALLORAN:** I hate to see some of them leave. I hate seeing some of them  
leave.

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**LATHROP:** Oh, we don't know how many people are going to come in on your bill. How we doing? We let the proponents and the opponents and then if there's empty chairs, the people that just want to come in and observe. Takes a little while, but--

**HALLORAN:** I understand.

**LATHROP:** It's a fair process for us. OK, I think we can proceed. Senator Halloran, welcome to the Judiciary Committee. You are good to open for LB417.

**HALLORAN:** Thank you, Chairman. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. For the record, my name is Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd Legislative District. I'm here today to introduce LB417, which would authorize the possession of a firearm by a full-time, off-duty peace officer or other duly elected or duly authorized law enforcement officer on the school grounds or at school-sponsored events or simply delivering or picking their children up at school. The goal of this bill is to increase safety for our communities. Our law enforcement officers receive extensive training to carry a firearm safely and are uniquely qualified to intervene in dangerous situations to protect members of the community. Our schools contain our most valuable population, children. Allowing officers who are off duty to possess a firearm on school grounds adds an additional layer of protection for students, staff, and family members. Implementing LB417 simply gives law enforcement officers the ability to protect and serve to the best of their ability, both on and off duty. This bill has support from law enforcement across the state and allows them to continue to make Nebraska a great and safe place to live, work, and raise a family. Members of the committee, I thank you for your time and I will be happy to answer any questions that you may have regarding LB417.

**LATHROP:** I think it's pretty straightforward.

**HALLORAN:** It's pretty brief.

**LATHROP:** Don't see-- yeah, I don't see any questions for you. Thanks for your introduction. Will you stay to close?

**HALLORAN:** I'm sorry? Yes, I will.

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**LATHROP:** You will stay to close? Great. Thank you. We will take  
proponent testimony and can I see by a show of hands how many people  
will testify as a proponent? OK, any opponents? Two, three-- OK, very  
well, we will begin with proponent testimony. Good afternoon. Welcome.

**JIM MAGUIRE:** Good afternoon, Chairman. Members of the Judiciary  
Committee, my name is Jim Maguire, J-i-m M-a-g-u-i-r-e. I'm here  
representing the Nebraska Fraternal Order of Police and the Omaha  
Police Officers Association in support of LB417. And as it was stated  
in the opening statement by the senator, in theory, you could have an  
officer who gets off work, goes to pick up their child, and be in  
violation under current state law. So all we're asking is for  
certified full-time law enforcement officers who carry a gun all day  
anyway to basically not be in violation of this law by changing it.  
Thank you and I'll be happy to answer any questions.

**LATHROP:** I don't see any. Oh, wait a minute. Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Mr. Maguire, for  
testifying. It's very clear what a full-time certified officer is in  
the state of Nebraska, is it not?

**JIM MAGUIRE:** Yes.

**BRANDT:** I mean, it wouldn't be a meter maid, for example.

**JIM MAGUIRE:** No, you have to, you have to go through a police academy  
and be, be certified through your agency to have arrest powers.

**BRANDT:** You would actually have a certificate issued by the state of  
Nebraska, correct?

**JIM MAGUIRE:** Yes, yes.

**BRANDT:** OK, thank you.

**LATHROP:** Currently, this doesn't say certified, though.

**JIM MAGUIRE:** No, it doesn't.

**LATHROP:** It says full time.

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**JIM MAGUIRE:** It just says full time-- it says a peace officer, so yes,  
but it is-- in theory, that's-- it's a law-- certified law enforcement  
officer.

**LATHROP:** OK. Senator DeBoer.

**DeBOER:** That was actually a question I had, which is what is the  
difference between a peace officer and a other duly authorized law  
enforcement officer?

**JIM MAGUIRE:** Peace officers can-- it-- what they've done is say in,  
in, in certain statutes, certain things that affect police officers  
and deputy sheriffs, state fire marshals, state troopers, they're all  
considered a little different. So they basically just combined us all  
into one instead of having to redundantly put down each and every law  
enforcement officer profession. So they would just combine all of them  
that, that have arrest powers and they're-- basically they're peace  
officers.

**DeBOER:** So does the state fire marshal have arrest powers?

**JIM MAGUIRE:** Yes.

**DeBOER:** OK.

**JIM MAGUIRE:** And they go through an academy also--

**DeBOER:** OK.

**JIM MAGUIRE:** --through a, through a police academy.

**LATHROP:** I don't see any other questions. Thank you.

**JIM MAGUIRE:** Thank you.

**LATHROP:** Next proponent. Welcome back.

**JOHN ROSS:** Good afternoon again, Senator Lathrop and members of the  
Judiciary Committee. Good afternoon. John, J-o-h-n, Ross, R-o-s-s.  
Senator Halloran, thank you for introducing this bill. It makes no  
sense to prohibit an off-duty law enforcement officer from carrying a  
firearm when on school grounds. They are required to uphold the law  
all of the time. If there would be an active shooter on the school

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grounds, that officer, if armed, would have a good chance to stop the shooter. When they are unarmed, they don't have much of a chance to stop the shooter. They have to wait, like everyone else, for on-duty officers to arrive. That can take five to ten minutes and in rural Nebraska, it might take a half an hour or longer. When I took active shooter classes, they said most active shooter incidents are over in a few minutes. You have three choices; waiting for on-duty officers to arrive is not one of them. Your three choices are run, hide, or fight if you have to. If you end up having to fight with little training in self-defense and no firearm, your chances are not very good when somebody's already made up their mind what they're going to do. A trained law enforcement officer with a firearm has a good chance to stop the shooter before duty officers arrive. This, I feel, would save lives. I have eight grandchildren. Please fault to advance this bill. I don't want to face the thought that if the officer at the school where one of my grandchildren was attending was unarmed and not able to stop the shooter and one of my grandchildren was a victim and did not survive. I also don't want to face trying to forgive people who oppose this bill if I should lose a grandchild. Thank you.

**LATHROP:** OK. Thank you for your testimony, Mr. Ross. I don't see any questions for you today.

**JOHN ROSS:** Thank you.

**LATHROP:** Thanks for being here. Good afternoon again.

**WAYNE McCORMICK:** Good afternoon. Thank you for having me here. My name is Wayne McCormick, W-a-y-n-e, McCormick, M-c-C-o-r-m-i-c-k, and I rise in support of this bill. I think it's a-- it makes a lot of sense. I'm going to put on my teacher hat here. I, I-- retired teacher after 20 years of teaching before I went into management, but I would have been very happy to have had an armed resource officer, an armed officer, even off duty, for helping to protect our students. I think we made a big mistake probably back in, in '92 or whenever that was when we, we made-- we authorized a lot of gun-free zones. And unfortunately, most of our shootings have occurred in gun-free zones. This is one step to me because these are trained officers. It just makes total sense. As a side story, visiting with my daughter a few days ago, we have three-- she has three sons, my grandsons, 6, 4, and 2, and she was talking about what can we do in the schools to make things safer? And I said well, obviously to me is to have, you know,

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more trained officers, you know, in the building and, and she hesitated a little bit and my wife stepped in, thankfully. As a retired teacher after 43 years, she spent most of her time on what was called the crisis team. And she said that for her-- from her experience on a crisis team, she is definitely not excited about firearms or me having firearms or anything else, so we make sure that they're all locked up. But she made a very impactful statement on me that I'll share with you that from her experience with the crisis team, she would have felt this load off of her shoulders had she known that someone in the building had a firearm to help protect the students before the fact, rather than trying to go through a crisis team after the fact. So I guess that's, that's my two cents for this. Thank you for your time. I urge your support of the bill and any questions for me?

**LATHROP:** I don't see any--

**WAYNE McCORMICK:** Thank you.

**LATHROP:** --but thank you for being here. Next proponent. Welcome back.

**PATRICIA HARROLD:** Thank you. My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d, and today I'm actually speaking for myself. Family of law enforcement background and I'd just like to speak to what might become the opponents' positions with regards to this bill. There's an interesting dichotomy in our society, an evolution of respect for authority, respect for positions that we as a society have created because we feel they're necessary. So we as a society have created law enforcement as a role and a function and a profession and there's a lot of debate on where we need to take law enforcement into the future and what have you, but that's not the topic for today. But today, we permit individuals to carry firearms in roles that they're authorized to do so. They get required training, certification, what have you. Some of us hold them up in a lofty position, some of us don't. That's beside the point. The idea that somehow when the clock is off, they punched out, that they're no longer a responsible and capable person being able to keep their firearm in a safe way or be able to respond to an issue just doesn't make any logical sense. The LEOSA federal act, which allows for law enforcement to conceal carry without going through a state's permitting process, is interesting because they actually have a, a fairly lengthy qual they got to do every year where I get to do mine



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every five. So they're already getting concealed carry permission, if you will, through that federal law. And so they even hit a higher standard than what we do in the state and so to say that somehow in uniform or out of uniform, they're less safe walking on campus because they're off the clock and not responding to an issue doesn't make much sense. That's my testimony.

**LATHROP:** OK.

**PATRICIA HARROLD:** Thank you.

**LATHROP:** Thank you for your testimony.

**PANSING BROOKS:** Oh, I have one.

**LATHROP:** Oh, I'm sorry. Just a second, if you don't mind.

**PANSING BROOKS:** Thank you for coming, Ms. Harrold. I was just wondering, are-- do you have a position with the Nebraska Firearm, Firearm Owners Association?

**PATRICIA HARROLD:** I'm the president.

**PANSING BROOKS:** That's what I thought. OK, so do you know whether or not there's been a problem with this? Have, have peace officers been arrested for being on school ground with a gun?

**PATRICIA HARROLD:** Actually, there is a father in my neighborhood who had a sheriff accost him on campus one day and there wasn't an arrest, but that sheriff was toeing the line with regards to asking if my neighbor was on duty when he was picking up his child from an after-school program. And there was a little bit of jurisdictional angst and it was kind of embarrassing for my neighbor and he immediately rectified the issue by stepping off into the sidewalk and calling his six-year-old daughter to him. So that was an unfortunate event, but that's the only issue I have personal experience with was that.

**PANSING BROOKS:** So was he open carrying or what caused the issue?

**PATRICIA HARROLD:** So he was off duty and he was in uniform and he went to walk onto the campus to pick up his daughter from the after-school program and the sheriff pulled up and stopped him maybe seven, eight

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steps into the little walkway and said aren't you off duty? I won't say his name. He said well, yes, I am. He's, like, well, get your tail off that.

**PANSING BROOKS:** OK and do you-- I, I was looking at our statutes and I guess I'm just interested. It also allows people that are, that are with Game and Parks.

**PATRICIA HARROLD:** Sure, we have many, many opportunities for events to happen on school grounds if they're school sponsored, so to your point, there's the hunter safety, there's ROTC where they learn how to do the drills, where they throw the rifles up. Of course, there's the pistol and rifle marksmanship teams that often happen in college campuses. Skeet and trap is a big activity for schools and so firearms can be brought onto campus for those formal events.

**PANSING BROOKS:** So shouldn't-- it seems like-- so, so you're saying that's not allowed then? But I have seen rifle teams on school campuses.

**PATRICIA HARROLD:** No, I'm saying it is allowed. The issue at hand with this bill is unless a law enforcement officer on duty responding to a call, they cannot enter school grounds.

**PANSING BROOKS:** Except for the rifle team people.

**PATRICIA HARROLD:** They're not law enforcement. This is a bill for law enforcement when they're off duty to come onto campus.

**PANSING BROOKS:** I guess part of the, part of the thing I'm interested in is that we-- Nebraska has passed a bill on school resource officers and there's a memorandum of understanding of how--

**PATRICIA HARROLD:** Correct and a school resource officer is authorized by the school and connected with the school. This bill is for any law enforcement officer within the state of Nebraska who is recognized as a law enforcement officer to be able to carry their firearm onto campus.

**PANSING BROOKS:** OK, so could you get around the, the memorandum of understanding and the school resource officer requirements and just say oh, well, we're just having this off-duty police officer serve us?

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**PATRICIA HARROLD:** I highly doubt that because you have to be appointed as an SRO by the school. You can't just walk in and say I'm an SRO today.

**PANSING BROOKS:** Yeah, but I'm, I'm saying that you can just get around it by having that person just come and be around the school.

**PATRICIA HARROLD:** So are you speaking from the perspective of-- as I and-- I as an officer or I as a school administrator wanting that person to come onto campus?

**PANSING BROOKS:** I'm just trying to make sure that, that the law is followed pursuant to the SRO requirements.

**PATRICIA HARROLD:** Sure.

**PANSING BROOKS:** There's training for SRO officers and for-- also--

**PATRICIA HARROLD:** Correct.

**PANSING BROOKS:** --for administrators in schools.

**PATRICIA HARROLD:** Right.

**PANSING BROOKS:** Thank you.

**PATRICIA HARROLD:** Yeah.

**LATHROP:** Very good. I have trouble seeing through the glare.

**PANSING BROOKS:** Yeah, sorry.

**LATHROP:** Next proponent. Welcome back.

**JENNIFER HICKS:** Hi. My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s. I live in Peru, Nebraska, and I, I am in support of this legislative bill and I, I guess I don't know what all the legislation is for school resource officers, but the reason I support this-- because it says it is-- so support having an armed officer on school grounds. I would support that for any reason. I mean, my, my mom was a law enforcement officer and part of the time that she served as a law enforcement officer-- she had different, different jobs, but part of the time, she was a school resource officer. And I don't know if this is, you know, separate from that, but I think it is very good for

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students. She had a good relationship with the kids that she was around. So I think it's, it's a healthy thing for our kids to see law enforcement officers in a positive light and, and in their full capacity of their position and their authority and I think that's a good thing. They're protectors of our laws and that's important. And, and so her presence on the school grounds allowed her to establish a good relationship with the students and I believe that not just the kids are kept safer, but all of us are when, when our law enforcement officers actually get to carry the firearms. I don't, I don't feel as safe in, in any environment if, if my law enforcement officer that's, that's nearby is not allowed access to his firearm. So to me, it's just common sense. That's what they're trained to do. They are, they're trained to, to carry those and to use them to protect us, to have them ready and present for any immediate threat. I also think that it's important to our kids to know that we value them enough to do everything within our power to make sure that their learning environment, their educational environment, including their sports, all of it, you know, every, every part of their environment at school is a safe one, that we care and have enough concern to provide the resources to the people that are able to protect them and so that's, that's my position on that, so--

**LATHROP:** OK.

**JENNIFER HICKS:** --fully support them.

**LATHROP:** Well, thank you for being here again, Ms. Hicks, appreciate your testimony.

**JENNIFER HICKS:** Thank you.

**LATHROP:** Next proponent. Good afternoon.

**KAILA MAILAHN:** Good afternoon. My name is Kaila, K-a-i-l-a, Mailahn, M-a-i-l-a-h-n. I'm a resident in District 32. Senator Brandt, thank you for your representation. I am a proponent of LB417. I support the safety of children and school staff. Should an unfortunate incident occur on school property, I cannot think of anyone more qualified than a professionally trained law enforcement officer to protect those that may be in harm's way. Whether a law enforcement officer is on or off duty, I would like to believe we as citizens should trust their intent to protect the public. I put my trust in law enforcement. I would also

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like to point out an observation from today. The hearings I have been allowed to sit in on have had an overwhelming support for Nebraska firearm owners. When you discuss, make decisions, or vote regarding this bill or other bills discussed today, please do so with your constituents in mind and those that showed up today. Thank you for this opportunity to voice my opinion.

**LATHROP:** Thanks for being here. We appreciate hearing from you. Next proponent.

**AMBER PARKER:** Good afternoon, members of the Judiciary Committee. My name is Amber Parker, A-m-b-e-r, last name, Parker, P-a-r-k-e-r. I'm here to testify as a proponent to LB417. I believe that the state of Nebraska needs to make clear that our law enforcement is not enemies to the people that they are here to protect and serve. I'm greatly bothered to hear that without LB417, that we can have law enforcement basically get in trouble because they're coming to pick up their children in uniform, but they're off duty. Furthermore, the second point I would like to draw out is that our schools-- what better way to have more protection on our schools to where if someone was coming to hurt any of the children or anyone on the school grounds, to have protection and trained-- they're trained. I also want to zero in on the fiscal note. The fiscal note is zero dollars on page 2 of the fiscal note on Senator Halloran's bill. So we, a lot of times in the State Legislature, really do not get bills forward where one, we can support our law enforcement and share with them that we also honor you, whether you're in uniform or out of uniform, but you are constantly representing here in this state and to protect and serve the people. So that is why I am greatly advocating for LB417 in these areas at this time. Let's see here. What's our time limit on testifying today?

**LATHROP:** Three minutes.

**AMBER PARKER:** Three minutes? OK. Well, Senator Lathrop, I want to understand. On the neutral testimony, if you can clarify, does that mean talking about rules as well? Because I want to respect-- I, I wanted to go last because I want to respect those who have drove an hour and a half or from Kearney to testify. So I will bring up in a neutral testimony. I just really feel that through these rules in Judiciary Committee, people's voices are being cut off and that's not, that's not right and we're supposed to be the second house. I do

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understand that the media can come forward into executive meetings, but we the people cannot. So I'm asking and calling upon the Judiciary Committee to make rule changes that everybody that comes forward to testify, that their voices would be heard. I also spoke with Senator Lowe before coming and was informed that the-- unless you release the letters that are sent to this Judiciary Committee for all these hearings, they will not make it to the floor. So I'm also asking that you would release those letters to the committee. There's a lack of transparency within this. And quite frankly, Senator, when I come in the room, I feel like I need to sit down and take a need to kiss your ring of rules. Otherwise, you call the State Patrol in on me when I do question the rule, so I just want clarification. And with that, that's the end of my testimony. Thank you.

**LATHROP:** OK. Thanks for being here.

**AMBER PARKER:** Thank you.

**LATHROP:** Any other proponent testimony? Seeing none, we will take opponent testimony. Anyone here in opposition to LB417?

**MELODY VACCARO:** Good afternoon. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I'm representing Nebraskans Against Gun Violence. I wanted to clear up just a couple of points of fact. One is that most shootings occur where guns are allowed and most mass shooters are not stopped with a gun. And in fact, the two that most people remember in Nebraska, the Millard South shooting where a police officer did not lock up his gun appropriately and his teenage son brought a firearm to school and murdered people at a school and then ended his life with suicide and the Von Maur shooting ended in a suicide also. I want to get those facts on the record. I'm handing out part of a document from Dr. Sarah Zuckerman, who is a researcher at the University of Nebraska-Lincoln. This is-- she has a packet on school resource officers generally and while we're not talking about school resource officers specifically, we are talking about law enforcement and I think some of the themes still track. And this is part of a bigger packet that I can send if anybody's interested in that, but it's a bit of a paradox when you talk about law enforcement in schools. One, it can increase the sense of safety, right? It can alleviate fear and we've heard a lot of people talk about that today, but we can have some really negative outcomes also. Like, we can see right in the Nebraska data that black and brown youth are-- have increased

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interactions with school resource officers and also we see increased interactions with students with disabilities and that is a really big problem with the school-to-prison pipeline. I know Senator Patty Pansing Brooks brought a bill looking to do some regulation around school resource officers. We actually like to look to see if anybody had started implementing those around the state last summer and it's not clear and it didn't seem super fair to ask the schools really more than they were doing last summer because a lot of those deadlines started kicking in last summer for that memo. So we'll look again this year. What we did find out was that over 50 law enforcement agencies are not turning in their domestic violence data. So when we're looking at expanding people with guns into our schools, I think we need to look at the facts and the data that it does not increase safety and it can actually decrease safety of some of our most vulnerable students and we already see that in the school resource officer data in Nebraska. That is a problem that we currently have.

**LATHROP:** OK.

**MELODY VACCARO:** And I'm done.

**LATHROP:** OK, any questions for this testifier? I don't see any. Thanks for being here.

**MELODY VACCARO:** Thank you.

**LATHROP:** Anyone else here to speak in opposition?

**KRISTEN DUPREE:** Good afternoon--

**LATHROP:** Good afternoon.

**KRISTEN DUPREE:** --Chairman Lathrop and members of the committee. My name is Kristen Dupree and that's K-r-i-s-t-e-n D-u-p-r-e-e and I live in Omaha and I'm here just representing myself today and I oppose LB417. The schools are supposed to be an inherently safe place for children and I agreed with Senator, Senator Halloran when he said that students are our most valuable population, totally agree with that, but allowing, you know, more people to possess firearms on school property does not increase safety. It opens the door for accidents. The current statute that LB417 pertains to already allows for eight exceptions for unlawful possession of a firearm on school property and now do we really need a ninth? I was also wondering if under the

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proposed wording, an off-duty officer would be able to lawfully bring a firearm into, say, Memorial Stadium on a game day Saturday. There are other exceptions that apply to, to schools, to colleges and universities in the current statute. So if that-- if-- so, you know, there's obviously a few things that could go wrong with that scenario. The solution for gun violence at schools really-- or anywhere for that matter, isn't more guns. No matter how you try to spin it, deadly school shootings have taken place with armed police or resource officers on campus. We've seen that time and time again, so this actually made me wonder that, you know, how many times has an active school shooter actually been apprehended or killed by a quote, unquote, good guy with a gun? And I didn't know the answer to this, so I looked at K-12 school shooting data collected by the Center for Homeland Defense and Security and according to this data, the answer is zero, so there's certainly no rational justification for this bill. I also wanted to share that while I was looking at this data, I noticed that there were 186 school shootings that happened that were categorized as accidents, so I wanted to read three of the incident narratives included in the database and I'll go quickly. So the first says during a safety presentation, a child pulled the trigger on an AR-15 that was mounted on a police officer's motorcycle. The weapon was never removed. The officers were playing with kids and were not attending to their weapons. Three students were injured by shrapnel. That could have been a lot worse. The second one says that a third-grade student pulled the trigger of a handgun in an officer's holster and fired a shot into the ground. The officer was sitting on a bench and didn't realize the child was touching the gun. No injuries. And the last-- the third scenario says that a fight after a basketball game at school and a police officer was trying to detain suspects involved in the fight when the officer's gun discharged, killing a 19-year-old male victim. So those very scary-- it could have been a lot worse. There's 183 more and I, I just get really anxious thinking about it. There's-- that there could be more guns on school property, so I'll stop with that, with the red light.

**LATHROP:** All right. We'll see if there's any questions. I see no questions for you. Thanks for being here and thanks for waiting patiently.

**KRISTEN DUPREE:** Sure. Thank you very much.



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**LATHROP:** Anyone else here to testify in opposition to LB417? Anyone  
else here in opposition?

**JUDY KING:** Back again--

**LATHROP:** Good afternoon.

**JUDY KING:** --and I appreciate your authority in these meetings and I  
apologize if I--

**LATHROP:** Don't make me bring it, don't make me bring it.

**JUDY KING:** --ever offended you. I thought you were calling the police  
on me the other day. I'm sorry. OK.

**LATHROP:** Start with your name.

**JUDY KING:** Judy King, J-u-d-y K-i-n-g, and as I-- and I'm opposed to  
this bill and please make that a part of the record and I won't start  
all over again, I'll just try to cut through this. But it sounds like  
the need for this bill arrived because of one circumstance at a--  
picking up a child after school and a kind of power play between two  
police officers. And I-- if we can make bills that will just be for  
one person or two people, that-- God, I have some bills I'd like you  
to, to push through here. But first of all, I am opposed to LB300,  
LB404, LB417 because "Trumper" Republicans put these through and  
there's no reason why "Trumper" Republicans should have any more say  
on gun issues. I always thought the "Trumpers" were buddies with the  
police, but actions prove otherwise. They beat the life out of D.C.  
and Capitol Police, killing one, wounded-- killing one, wounded  
hundreds, and left others with permanent disabilities. They brought a  
baseball bat, a fire extinguisher, a wood-- a wooden club, a spear,  
crutches, a flagpole, bear spray, mace, chemical irritants, stolen  
police shields, a wooden beam, a hockey stick, a stun gun, and knives.  
And a man from Alabama was arrested near the Capitol shortly before  
the attack and was found with one jug-- one-- found with what one  
judge called a small armory in his truck. Investigators discovered  
three guns, 11 Molotov cocktails, a crossbow with bolts, smoke bombs,  
and a stun gun, according to court documents. Trump followers should  
have no say in anything in our Legislature or the Nebraska Capitol.  
There are some senators that have put forth bills that are reasonable  
gun bills and ones where I would be neutral or even a proponent. Even

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though I want gun reform, I still appreciate when good gun owners try to make bills for the benefit of society, such as not to allow children to be slaughtered at schools and women slaughtered by their boyfriends or finally, the bills that make it harder to commit suicide. That's all I have to say. Thank you.

**LATHROP:** OK, thank you, Ms. King.

**JUDY KING:** No questions I'm sure.

**\*ROSE GODINEZ:** Thank you, Chairperson Lathrop and members of the Judiciary Committee. My name is Rose Godinez and I am Legal and Policy Counsel for the ACLU of Nebraska. The ACLU opposes LB417 and requests that the Committee indefinitely postpone this bill. The ACLU works with teachers, parents, students, community members, and legislators to ensure equality and dignity for all students in Nebraska schools. In pursuit of a world free of discrimination and a Nebraska that is true to the state motto of "Equality Before the Law," the ACLU of Nebraska works in coalition with other civil rights groups and advocates in Nebraska to lobby in local and state legislature and support grassroots movements. The ACLU of Nebraska is committed to challenging the "school-to-prison pipeline," a disturbing national trend wherein children are funneled out of public schools and into the juvenile and criminal justice systems. Many of these children have learning disabilities or histories of poverty, abuse, or neglect, and would benefit from additional educational and counseling services, but instead, they are isolated, punished, and pushed out. The ACLU of Nebraska believes that children should be educated, not incarcerated. We are working to challenge numerous policies and practices within public school systems and the juvenile justice system that contribute to the school-to-prison pipeline. We oppose LB417 because we should not be discussing whether school police should be armed but how best to improve school environments and ensure student success while minimizing unnecessary student arrests. Emerging best practices aim to reduce police involvement in routine disciplinary school matters, ensure fairness in disciplinary processes, and increase the ratio of counselors and student support services to cops. Sadly, while many communities explore how to improve school climates by building trusting relationships between adults and students, this bill turns our attention to debating the arming of school police. The most immediate impact of arming school police would be felt by students, as school-based police spend the bulk of their time interacting with

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students in nonemergency situations. Having officers patrol the hallways with firearms sends a negative message to students. It makes many students feel that they are being treated like suspects. It can have an intimidating presence and can contribute to negative attitudes about police, in general. Additionally, there is no evidence that arming school officers increases overall safety or improves relationships within school communities. Having an armed officer stationed in schools has neither prevented nor stopped "active shooter" incidents. It did not at Columbine High School nor has it elsewhere. Thankfully, these tragic situations are still rare in schools, including in our largest school districts Lincoln and Omaha Public Schools. According to the 2017-2018 Department of Education Office for Civil Rights data, both OPS and LPS reported zero incidents that involved a shooting at school and zero incidents of students, faculty, or staff dying as a result of a homicide committed at the school. Moreover, how school-based police interact with students and the tools they carry and sometimes use have been the source of controversies. Incidents involving the use of even less lethal police tools, such as Tasers and pepper spray, have resulted in complaints, lawsuits, and injuries to students. These have been on the rise in recent years. Unarmed school staff does not mean that schools are defenseless in emergency situations. School districts have arrangements, formal or informal, with local law enforcement in which outside assistance is provided when needed in emergencies, such as when there is a bomb threat or serious injury. Lastly, places of learning are not security zones or criminal justice institutions, and they should not be staffed that way. Forward-thinking states are reconsidering the kinds of support staff that work in schools, not whether they should be armed. For those reasons, we urge the committee to indefinitely postpone LB417.

**\*JASON HAYES:** Good afternoon, Senator Lathrop, and members of the Judiciary Committee. For the record, I am Jason Hayes, Director of Government Relations for the Nebraska State Education Association. NSEA opposes LB417. LB417 would allow the possession of a firearm on school grounds by any off-duty peace officer or law enforcement officer. NSEA opposes LB417 because of its broad definition of peace officer. In Nebraska, that definition extends to include "any person authorized to direct or regulate traffic." We believe allowing more adults to bring weapons onto school property will only make the job more difficult for legitimate school security officials as they would

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have to discern, possibly at a moment's notice, whether an armed school visitor they encounter actually has the authority to be on campus with a deadly weapon. Such encounters are tense to begin with; it is better to be clear from the start: those individuals allowed on school grounds with weapons are strictly limited to legitimate and on- and off-duty law enforcement officers. In addition, in many cases, students may feel more threatened by having armed adults in their hallways. A study by Education Week found that, "The presence of officers in hallways has a profound impact on students of color and those with disabilities, who, according to several analyses and studies, are more likely to be harshly punished for ordinary misbehavior." While NSEA supports the work of properly trained school resource officers to protect the health and safety of students and staff, we do not believe that allowing off-duty, out of uniform adults in a building with weapons is a positive contribution to the culture and purpose of our schools. The NSEA, on behalf of our 28,000 members across the state, asks that you not advance LB417. Thank you.

**\*JULIE ERICKSON:** Thank you, Chairperson Lathrop and members of the Judiciary Committee. My name is Julie Erickson and today I am representing Voices for Children in Nebraska in opposition of LB417. Education is a key indicator of future opportunity for children, and we should make every effort to ensure that our education system is setting students up for success. Voices for Children opposes LB417, which would authorize the possession of a firearm on school grounds by an SRO, because there is no evidence that arming school officers increases overall safety. Proposals to arm SROs are borne of a desperate concern for the safety of students but arming school resource officers is the too-simple default response to a complex issue that will put students at greater risk, not make them safer. In Nebraska, we lack annual, statewide systemic data on student interactions with law enforcement at school. However, we know that best practices support responding to student misbehavior wherever possible with disciplinary approaches to keep the student in the educational environment. Students who are pushed out, whether by suspensions, expulsions, or arrests, experience disruption in their education that can lead to reduced educational attainment and increased likelihood of court involvement. The risk is potentially greater when we involve sworn law enforcement and security guards in the school environment and authorize them to possess deadly weapons. These policy and practice choices, all too often, fall

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disproportionately on students of color, who are more likely to be subject to frequent and harsher punishment, placed in alternative disciplinary schools or settings, referred to law enforcement or subject to school-related arrest, and fail to graduate from high school. The most immediate impact of arming school police would be felt by students, as school-based police spend the bulk of their time interacting with students in nonemergency situations. Having officers patrol the hallways with firearms sends a negative message to students. It makes many students feel that they are being treated like suspects. It can have an intimidating presence and can contribute to negative attitudes about police, in general. Unarmed school staff and law enforcement does not mean that schools are defenseless in emergency situations. School districts have arrangements, formal or informal, with local law enforcement in which outside assistance is provided when needed in emergencies, such as when there is a bomb threat or serious injury. Emerging best practices aim to reduce police involvement in routine disciplinary school matters, ensure fairness in disciplinary processes, and increase the ratio of school counselors to law enforcement. There is no evidence to demonstrate that arming SRO's increases overall safety or improves relationships with school communities. We oppose LB417 and continue to advocate for policy that focuses on building a positive school community, implementing preventive and positive approaches to discipline, and building a culture of respect and communication between students, school staff, and parents. We thank the Committee for your time and consideration on this important matter and we respectfully urge you to not advance LB417.

**LATHROP:** Anyone else here to testify in opposition? Anyone here in the neutral capacity? Seeing none, Senator Halloran, you may close. We do have 21 position letters. Those are-- 18 of them were proponents, 3 of them are in opposition and we received written testimony, which I'll put into the record as well. As an opponent, Julie Erickson with Voices for Children as an opponent; Jason Hayes with the NSEA; and finally, Rose-- and I always mispronounce her name-- Godinez, G-o-d-i-n-e-z-- and I should know better-- as an opponent from the ACLU of Nebraska. With that, Senator Halloran, you may close.

**HALLORAN:** Thank you, Chairman Lathrop, and thank you to the committee for listening today. I truly respect everybody's testimony today, pro and con. Some of the opposition testimony kind of went way beyond the scope of this bill. Let me just say law enforcement officers are well

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trained and I think that's pretty well established. Whether you like law enforcement or not, they're well trained to understand the safe use of firearms and, and, and the protection of the community. And they're, and they are members of the community. They're part of the fabric. They-- they're, they're-- when they fit in-- when they come to a basketball game, a play, football game, they're in the crowd with everybody else watching their kids perform at whatever function it might be. They're part of the fabric of the community and the community knows they're law enforcement officers. If it's a close enough knit community, they know so-and-so is a law enforcement officer. If something happens-- God forbid, if something happens that would require some use of force on the part of a off-duty law enforcement officer, people would tend to look at them and say what are you going to do about this? Well, under current statute, it's prohibited for them to carry a firearm onto school property, concealed or otherwise. And so if something happens, what's their recourse? Well, they got to push the pause button. They have to push the pause button and go out to their car and retrieve the firearm from their trunk of their car. Well, this is going to take four, five, six minutes and by then, it's over and the community is expecting them to have the ability to protect them wherever they are, but they can't under current circumstances. Pretty simple, straightforward bill. I would ask the committee to do, do some consideration of passing this bill to the floor.

**LATHROP:** OK. Any questions for Senator Halloran? Senator McKinney.

**McKINNEY:** Thank you. Senator Halloran, are you aware of the nature of the relationship that law enforcement has with my community?

**HALLORAN:** I, I understand there's been conflicts between law enforcement and members of your community, yes.

**McKINNEY:** And allowing an off-duty officer to have a weapon on a school campus can be very problematic, especially because of the way young black men and women are judged and looked at from law enforcement. So I would be, you know, remiss without saying that, that it can create a lot of problems and I don't want our state to be the epicenter of another protest because the off-duty officer decided to unleash his gun on a kid in my community. Do you see where the problem comes? I understand in western Nebraska it might not be an issue, but

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I would tell you right now in Omaha, I would never-- I, I wouldn't be surprised if it happened.

**HALLORAN:** Well, it wouldn't have to happen, shouldn't have to happen, and it's, it's-- you know, at some level, there, there needs to be some level of cooperation between law enforcement and whatever the community is, whatever the makeup of the community is and these-- this bill would-- very likely, law enforcement officers would be concealed carrying, so it wouldn't be open carry on their hip and so the gun wouldn't be readily available to them. It wouldn't necessarily be apparent that they have a gun.

**McKINNEY:** It's, it's not that it would be concealed. It's the possibility that it could be pulled out and used. And yeah, we all hope for the relationships to get better, but as we saw throughout this whole year since my time in the Legislature, a majority of law enforcement has come in here and opposed every reform bill possible to hold them accountable. So although we hope for, you know, better relations, I'm not too optimistic that those relations will be bettered by the end of this year and within the next three to five years. So I just think it would create a problem, especially in my community. Thank you.

**HALLORAN:** Thank you, Senator McKinney. I am more hopeful, I guess, than you are, Senator McKinney. I am hoping those relationships improve and improve dramatically and soon.

**LATHROP:** OK, I don't see any other questions for you. Thanks for being here,--

**HALLORAN:** Thank you.

**LATHROP:** --Senator Halloran, and introducing LB417. That will close our hearing on LB417. Let me ask-- Mr. Sergeant, do we still have a lot of people out in the hallway?

**SERGEANT AT ARMS:** We've got-- we have about five, five [INAUDIBLE] out there.

**LATHROP:** So we can just have them come in as opposed to turning the room over, yes?

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**SERGEANT AT ARMS:** Then we may have to have some of the observers  
[INAUDIBLE]--

**LATHROP:** Do I need to turn the room over?

**SERGEANT AT ARMS:** I don't think so.

**LATHROP:** OK. Just want to make sure we're done with people coming and  
going so you're not distracted while you're introducing your bill. OK.  
Senator Slama, welcome to the Judiciary Committee. You may open on  
LB300.

**SLAMA:** Thank you and good afternoon, Chairman Lathrop and members of  
the Judiciary Committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a,  
and I represent District 1 in southeast Nebraska. I am here today to  
introduce LB300, a bill that would modify and clarify our castle  
doctrine statutes in Nebraska. The bill addresses ambiguities in our  
castle doctrine statutes that put our county attorneys, defense  
attorneys, and those who defend themselves in sometimes impossible  
situations. A pending case in Nebraska serves as an example. One night  
two years ago, a young woman in rural Nebraska was followed to several  
locations by an obsessed friend of her brother's. He ultimately  
pursued her into her vehicle where he attempted to sexually assault  
her. She was carrying a handgun and shot him one time, forcing him to  
stop the attack and collapse back into the passenger seat. He received  
medical treatment and recovered from the gunshot wound. However, the  
county attorney decided that he did not believe this young woman acted  
in self-defense because, and I quote, she didn't act like a victim.  
Moreover, our current castle doctrine statutes do not cover a person's  
motor vehicle, meaning that this woman still had a duty to somehow try  
to retreat in her own car. She was subsequently charged with assault  
in the second degree and the use of a firearm to commit a felony. If  
this young woman is convicted of these felonies-- mind you, this case  
is still pending-- she could face a punishment of up to 70 years in  
prison. LB300 would protect victims from being attacked by the court  
after they've already been attacked by criminals in their home, their  
workplace, or their vehicle. There's been some misconceptions about  
the scope of this bill, so let me be clear. LB300 is not a Stand Your  
Ground bill. To alleviate a little bit of this confusion for the sake  
of the committee, I thought I'd give a quick overview of the two types  
of statutes, castle doctrine and Stand Your Ground, and their  
differences. Castle doctrine derives from a provision in English



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common law that declares an Englishman's home is his castle and was established as early as the Roman Republic. Castle doctrine laws focus on the sanctity and protection of someone's home and argue that people should be able to protect themselves where they are meant to feel the safest. It does not allow people to use force to defend themselves in public without first attempting to safely retreat. On the other hand, Stand Your Ground laws are relatively newer. These laws do not require a person to retreat before using force, regardless of where they might be. If someone is attacked in public, they can use even deadly force instead of attempting to safely retreat. Again, it does not matter where the individual is. They automatically have the right to use force. LB300 is a castle doctrine bill. It does not change our current law on the duty for people to retreat in public. The only exceptions are the individual's dwelling, workplace, or motor vehicle. Dwelling and workplace are already covered in current statutes and we add motor vehicles with LB300. Furthermore, LB300 changes how self-defense cases are dealt with in the court system. If the prosecutor charges someone with a crime, it is the state's burden to prove it. However, self-defense cases work a bit differently. Essentially, the burden flips. The person claiming that they used force and their attorney have to show evidence that they were in their dwelling, reasonably and in good faith believe that such force was immediately necessary to protect the actor from death or serious bodily injury. LB300 would protect those that defended themselves in their homes from being labeled as criminals by the court and then having to prove otherwise. Instead of having to point to evidence and face unnecessary attacks from prosecution, there would be a rebuttable presumption that the actor held a reasonable and good faith belief that the use of force is immediately necessary for protection. LB300 would shift the burden of proof in criminal cases back to the state where I think it belongs. There are a decent number of people here today who care about this bill as a pro-Second Amendment piece of legislation. If you don't like how that's framed, it's fine because in addition to being a pro-Second Amendment bill, it's also a cleanup bill. It's to clarify some of the most convoluted language in our country when it comes to self-defense. I encourage the committee to consider and advance LB300 to General File and would be happy to answer any questions you may have.

**LATHROP:** OK. Senator Pansing Brooks.

**SLAMA:** Yes.

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**PANSING BROOKS:** We continue to have some of these issues about some  
people understanding that women do not always want to have sex, right?

**SLAMA:** Um-hum.

**PANSING BROOKS:** Just had to say that for today.

**SLAMA:** I, I appreciate your point.

**PANSING BROOKS:** Thank you.

**LATHROP:** OK, thank you for that. I assume you'll close--

**SLAMA:** Yes.

**LATHROP:** --since you'll be here for it. And with that, we will begin  
with up to 30 minutes of proponent testimony. Good afternoon again.

**DAVID PRINGLE:** Senators, it's good to see you again. I have things to  
do after this, so this will be the last one.

**LATHROP:** We're out of bills after this.

**DAVID PRINGLE:** I know that's--

**LATHROP:** We got to have you start with your name, Mr. Pringle.

**DAVID PRINGLE:** David Pringle, P-r-i-n-g-l-e. Like I previously stated,  
I run this Discount Enterprises Deguns and one of the things that we  
do is we train people with firearms for concealed handgun and for just  
general knowledge. We have a gun-- handgun 101 class for people who  
don't know anything about it and we're actually in the process of  
setting up a safety class and a familiarization class that will be  
open to the public for free. Self-defense is a human right. It's not a  
Second Amendment right. It's nothing. Self-defense is a human right.  
The people who generally need to defend themselves are exactly the  
people who you think. One thing that I could tell you for certain, and  
that's being at ground zero of the worst times in people's lives, they  
come to us for help. They come to us to be enabled and to be empowered  
so that they are not dependent on the system to protect them. It's so  
important to have clarity so that when these dynamic, critical  
incidents happen and they unfold, the people who are involved in them  
that are trying to protect themselves can do it with certainty. And

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it's already the craziest thing that's going to happen to them and they may have thought that they would be prepared, but generally they're not going to be prepared mentally, emotionally, or physically. And so the one thing that they need to know is that the state, the system believes that they have a right to self-defense. She's right. These are extremely convoluted laws and they're very hard to explain and they're very hard to answer people with certainty. I could tell you for a fact-- and I, I'm 100 percent-- that if I was involved in an incident, I know that I don't have to leave. I'm in my 50s. I'm not a doctor. I don't know what running would do to me. I don't know what fleeing might cause. I'm not a car driver. When we train people for self-defense, we don't train them to be egress car drivers. We don't train them to be track stars. We don't train them in offhand. What we do is we train them in how to defend themselves with a gun and then we try to make sure that they can do so legally and that's the whole point. And so what we need from you-- and this is a good start, just like that other bill was. These are good starts to clarifying these things that really, we can't offer any expert explanation to our customers and they want it. So thank you again. Remember, self-defense is a human right and every human has the ability or the-- just the right to be able to protect themselves with the most technically advanced system available to them.

**LATHROP:** OK.

**DAVID PRINGLE:** And one more thing, you know, it's-- when I'm talking about a human right, I'm talking about LGBTQ, I'm talking about black, I'm talking about white, I'm talking about men, female, unassigned, nonbinary, x, all of that. All of these people have the right to defend themselves. Thanks.

**LATHROP:** Thank you, Mr. Pringle. Next-- yeah, no questions. Next proponent. Welcome back.

**JAMES GOTTSCHALK:** Thank you. Good afternoon, Senator Lathrop, members of the Judiciary Committee, I'm James Gottschalk, J-a-m-e-s G-o-t-t-s-c-h-a-l-k, Lieutenant Colonel, U.S. Air Force, retired. I'm the vice president of the Nebraska Firearms Owners Association. I fully support LB300 for the following reasons. LB300 provides a much-needed clarification to existing Nebraska castle doctrine. Presumption of innocence is one of the most sacred principles of our American criminal justice system. LB300 strengthens that principle for

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Nebraskans by giving a rebuttable presumption that an actor's use of force is in self-defense if that person had forcibly and unlawfully entered the actor's dwelling, place of work, or motor vehicle. Extending the castle doctrine clarification to a motor vehicle is of particular significance for me. I transport my grandchildren on a regular basis to a variety of activities: school, soccer, basketball, you name it, and their safety is my primary concern-- number one, as a matter of fact. If our safety while in that vehicle is threatened by car jacking or other nefarious activities, which has happened too often in Omaha, and I can safely drive us out of danger, then I absolutely will do that. If, on the other hand, the threat prevents us from being able to get away, then the state should not require us to retreat from the vehicle and potentially put my grandchildren in, in serious bodily harm or, or, or worse. I will protect and defend my grandchildren to all ends and for that self-defense, the onus should not be on me to prove I acted responsibly, but on the state to prove that I did not, thereby supporting the principle of presumption of innocence. LB300 provides that particular distinct benefit in, in this case. Please vote yes to bring LB300 out of committee and onto the floor for debate. Thank you.

**LATHROP:** OK. I do not see any questions. Thanks for being here again.

**JAMES GOTTSCHALK:** You're welcome. Thank you.

**LATHROP:** Next proponent. Welcome.

**WAYNE McCORMICK:** Good afternoon, Chairman, Chairman Lathrop, and thank you to Senator Slama for introducing this bill. I think this is probably one of the, the better clarification type of bills that we've had. Several years ago, I went through the--

**LATHROP:** Let's have your name, though.

**WAYNE McCORMICK:** Oh, I'm sorry. Wayne McCormick. That's W-a-y-n-e, McCormick, M-c-C-o-r-m-i-c-k.

**LATHROP:** Very good.

**WAYNE McCORMICK:** OK, thank you. It clarifies what-- when I left the concealed handgun permit program-- I passed the program-- I-- there was still a gray area, you know? It was still like I could be guilty for defending myself, you know, and I, I didn't ever feel really

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comfortable about that because I always thought that, you know, our justice system is innocent until proven guilty. Self-defense is a basic right. I just think that, that this is probably, you know, one of the, one of the better clarification bills that I've seen and it, and it is only a clarification. So I guess I would urge your support for LB300 to bring the, the bill to the floor so the rest of the senators can be in the debate and I guess I urge your support for that. Any questions for me?

**LATHROP:** I don't see any. Thanks for being here. Next proponent. Welcome back.

**JOHN ROSS:** Yes, thank you. Senator Lathrop and members of the Judiciary Committee, good afternoon again. John, J-o-h-n, Ross, R-o-s-s. Senator Slama, thank you for introducing LB300. No one, when they believe that their life or someone else's life is in danger, should have to consider should I retreat or should I fight and use deadly force to survive or protect someone else's life? Having to spend precious time considering maybe I should retreat might be the time that could have been used to protect themselves or someone else. That loss of precious time could cost them or someone else their life. The bill references a person's dwelling, a person's dwelling, place of work, or motor vehicle. I would add motorboat to the bill's language. Years ago, there was many people in Yankton, South Dakota, had houseboats on a lake. Maybe that still constitutes a dwelling, but I don't know. You can be anywhere and be threatened by another person: in a public restroom with only one door, in a room of any public or private building with only one door, in a blind alley, a classroom and the teacher didn't have time to lock the door. It should not matter where you are when you decide in that instant you-- that you are in danger and in that instant of time, you decide to use deadly force to protect yourself or someone else. You should not have to fear being charged with a crime for not retreating when retreating may not have been a good choice or there was no place to retreat that was safe enough to protect your life or someone else's. Thank you for your time and listening to me.

**LATHROP:** Thank you, Mr. Ross. I do not see any questions for you today.

**JOHN ROSS:** Thank you.

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**LATHROP:** Next proponent. Welcome back.

**JON ANDERSON:** Thank you. My name is Jon Anderson, J-o-n A-n-d-e-r-s-o-n. I'm again testifying not as an NFOA board member, but for myself and, and my wife as well. I've come today to entreat the committee members-- oh, I didn't mention this the last time I was here. I, I live in Norfolk right now, Senator Flood's district. I've come today to entreat the committee members to vote for LB300 to now move it out of committee onto the senate floor. I've lived my entire life in Nebraska and for some time now, I've been disappointed in Nebraska's legislation in relation to other states' legislation regarding castle doctrine. I'm pleased to see this bill come before you for several reasons, but one reason stands out from the others. As a husband, I have a self-assumed duty to keep my family safe. And while I do assume responsibility for my own and my wife's safety while we're together, I cannot assume that responsibility for her safety while we're apart. One spring day about two years ago-- and it was a day like today-- my wife was home. I was at work. It was one of the first days that was warm enough to work outside. She decided she would clean and detail her car that day out in the driveway. As she was about halfway through the process of vacuuming out her car, she realized at any point, someone could walk right up to her and she would have no idea that they were there until it was too late. Thankfully, nothing bad happened that day, yet this realization and the fear that it generated prompted her to finally learn how to safely and responsibly use a handgun and she even went as far as getting her CHP. Now she has the training and the tools necessary to empower her and hopefully prevent her from ever being a victim. Even so, if one of us ever does have to use justifiable deadly force to defend ourselves in our home or workplace from someone we perceive to be an imminent threat, under current Nebraska law, we have to be able to prove that we had no other choice and also prove that the aggressor did indeed intend to hurt, kill, rape, or kidnap one of us or both of us. We are essentially considered by current law to be guilty until proven innocent and we also have the burden to prove the intent of another human being. LB300 would create a rebuttable presumption that a person who unlawfully and forcibly enters a dwelling, place of work, or motor vehicle is doing so with the intent to commit an unlawful act involving force or violence. With this language in place, if someone would force their way into our home or motor vehicle and prompt response that includes using justifiable deadly force, we would at the

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very least be afforded the Fifth Amendment legal protection of due process and a presumption of innocence that we were not the bad actors in such, such a situation. This language should also serve as a deterrent to anyone who may consider forcibly entering a dwelling, place of work, or motor vehicle. Change to current law would bring peace of mind, both due to the extension of the current laws to include motor vehicles and the addition of the rebuttable presumption that forcible entry constitutes intent to cause harm, along with the deterrent to such forcible entry that may result from passing this bill into law. Please vote this bill to pass out of the committee and onto the senate floor.

**LATHROP:** OK. Thank you, Mr. Anderson. Again, no questions.

**JON ANDERSON:** Thank you.

**LATHROP:** Next proponent.

**KEITH KOLLASCH:** Good afternoon.

**LATHROP:** Good afternoon.

**KEITH KOLLASCH:** This will be the last one.

**LATHROP:** I know.

**KEITH KOLLASCH:** Thank you again for your time this afternoon and addressing this very important bill. I'd like to thank-- first of all, my name is Keith Kollasch, K-e-i-t-h, Kollasch, K-o-l-l-a-s-c-h. I am a resident of District 1 and I'd like to thank Senator Slama for introducing this bill. I am testifying in favor of LB300 today. I am director on the board for Nebraska Firearm Owners Association, but I think for this bill, I'm probably more testifying in the capacity of my day job as a criminal defense attorney. So one of the things I did really want to emphasize in this bill is, as was mentioned before, one of the basic tenets in the United States is that you are innocent until proven guilty. Currently under the use of force statutes in Nebraska, you have to justify your use of force. And part of the justification that you have to do, you have to somehow divine the intent of the person that was intruding in your home. Obviously, that is not always possible to know exactly what the intruder's intent was. If they are testifying against you at trial, obviously they're going to be out for-- looking out for their own good. They're not going to

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testify that, oh, yeah, I came into the home to commit a felony. They're going to do what they need to do to keep themselves out of trouble. LB300 would flip that back to the burden being on the state. The state-- it, it wouldn't give an actor complete free rein to respond to-- with the use of force in any means they felt was possible. There is still a, a rebuttable presumption where if the state can show that you did act in an unreasonable way and that your use of force was not justified, you can still be held legally liable for-- criminally liable for your use of force, so there is still that-- I guess protection there for if you are acting outside of what you should be for the use of force. What I would like to point out is that as far as LB300 is concerned, there's-- the issue is-- really is that it's for a place that is considered sacred. It's your home. It's long been recognized by common law, by statutes throughout the country that your home is your castle. You have special protections there. Even the current statutes regarding use of force indicate that you do not have the duty to retreat from your home, so there are already special protections there. This would just give you the opportunity to be able to have that reversed if anything has ever, ever happened where you are trying to defend yourself against, against one of these charges. And as a defense attorney as well, the jury instructions that come out in a jury trial that go to the jury members to explain what they're trying to show come from the statute. And it's been said before that this statute is somewhat convoluted. What I've seen with juries that get these instructions that-- is that this is one of the biggest ones where we get questions from the jury about what does this actually mean? The juries have a hard time understanding what, what these statutes actually mean and I think we need, need to get that cleaned up.

**LATHROP:** OK.

**KEITH KOLLASCH:** And I would just ask the, the committee to vote this out so we can have the full Legislature vote on it.

**LATHROP:** OK. Senator McKinney.

**McKINNEY:** Thank you. My question: how hard would it, would it be for the state to prove that an actor-- or if somebody enters your home and you shoot them, how hard would it be for the, for the state to prove that you didn't act reasonably or in a good-faith manner?



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**KEITH KOLLASCH:** That would depend on the factual basis for that case. If you were in a situation where someone breaks into your home, that by itself does indicate that there's some ill intent. But they break into your home and say they rush you and they have a plastic spork and you shoot them with a shotgun. More than likely, that's going to be considered an unreasonable use of force for what was being presented. So in that situation, the state could come back and say look, there's other ways that it-- they could have handled this. It wasn't a deadly weapon they were being approached with, so there would-- that would be the point of the rebuttable presumption.

**McKINNEY:** All right, thank you.

**LATHROP:** OK. Thanks for being here.

**KEITH KOLLASCH:** Thank you.

**LATHROP:** Next proponent. Good afternoon.

**CHANTELL FENDER:** Good afternoon. Thank you, Judiciary Committee and Senator Lathrop and Senator Slama for bringing this to the table. My name is Chantell Fender, C-h-a-n-t-e-l-l, Fender, F-e-n-d-e-r, and I'm from Papillion, Nebraska. Well, as a female and also a concealed handgun permit holder myself, I strongly propose LB300. As a responsible and law, law-abiding firearm owner and also as a survivor of violence, I also am a leader in my women's church ministries and I hear women's testimonies and stories over and over about being victims of abuse and violence. I speak for myself personally and also for those voices that I do hear their stories in that setting at my church who also have been victims of abuse, which means maybe rape, violence, or whatever it was that could possibly have taken in their life. It is our ability and our right, as was discussed earlier, that we have the right to protect ourselves in any unfortunate and unpredicted scenario where our life or my life was threatened in the act of violence, rape, abuse, or death. That would be the possible terrible end result. I do not have to become the victim again in a court of law that would want me to prosecute-- want-- that would want to prosecute me for protecting my own life. I should also have the right-- I shouldn't also have to retreat from my home, work, or even my car to avoid being a victim that could take my life. It makes no common sense that if I'm in my vehicle and I'm in fear for my life, that I'm supposed to flee my vehicle and avoid violence towards me. Our laws state that we're

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innocent until proven guilty and I really believe it's important to include the vehicle as a place of dwelling in that present time when facing violence or even worse than that and it is not the duty of a possible victim to flee upon facing that violence. So I'm asking that this LB300 will be strongly considered in the face alone of protecting innocent people, not just women, men, women, children, etcetera, whoever can be in that environment, to be protected and not have to face a court of law again to prove your innocence after being brutally attacked.

**LATHROP:** OK. Thank you for your testimony.

**CHANTELL FENDER:** Thank you.

**LATHROP:** Next proponent.

**JENNIFER HICKS:** My name--

**LATHROP:** Welcome back.

**JENNIFER HICKS:** Hi. Thank you. My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s, and I live in Peru, Nebraska, and I would like to echo what the lady just said about the importance of this. I am a, a proponent for this and for it to apply to vehicles, motor vehicles. I actually had an incident once. Fortunately was, you know, nothing bad, but I was in Nebraska City and sitting in the driveway, the driveway of my kid's piano teacher's house and two gentlemen walked behind my car and turned back towards my vehicle and came and grabbed the door handle of my car and I locked it right as, right as they were coming towards my vehicle and so I've been in a vehicle that someone tried to enter and I don't know for what purpose. Maybe they just wanted to see if there was some cash or something. I don't know if they knew that I was in there, but it's a very, very, very scary situation to feel violated in a space that you feel that you're safe in. And then moving on from that, I want to say some words that I spoke to the Government Committee last week with regard to LB188. And, and what I told them is that I did vote for Trump and that I did believe that election lacked transparency and fairness and that I'm not a racist and that the fact that I now feel that I have to state these things about myself as a defense of my character is the reason that these Second Amendment bills are super important to me. That-- you talk about a presumption of innocence. I feel like I'm living my

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life with a presumption of guilt. There is a narrative in the media and from some in our government that wrongly encourages others to presume me as a threat because of my, my skin color or my political affiliations and that is not right and it's a scary thing. It's a scary thing and I would just like you to consider that and I would also like to say that as someone who grew up in the South-- I grew up in Arkansas-- if you want to change the kind of things that you're talking about with race relations, I can tell you things are worse now than they were when I was a kid because of how we talk about things, because of how we divide our, our children from each other. We shouldn't say, with all due respect, your community or my community. It's our community and until we deal with our problems as one whole community and not isolate groups, one from the other, we're not going to make any progress because the prejudice is never going to be allowed to dissolve and that is just a fact of the matter. And I'm not a racist, but there is a narrative out there that puts a target on my back and that was evidenced in some previous testimony that you received from someone who said that, you know-- I, I guess I'm what you would consider a Trump Republican because I voted for Trump. And that does not make me a bad person and it absolutely does not mean that I do not have a voice in what goes on in our government and I just, I just want to appeal to you to, to consider that and, and I guess it's all I have to say, so thank you.

**LATHROP:** OK. Senator McKinney.

**McKINNEY:** Thank you. I just would like to say that, you know, I do wish that we all could say this is all of our communities and everyone feels welcome in this state. And I also would just like to say what you expressed is how black people have felt since my ancestors were first brought here on slave ships throughout history. And I don't wish that on you, I don't wish that on me, but I do think that, you know, we need to find a way to better our society so no one feels like they're attacked or things like that. But I, I just think things need to change as well, but until then, I think we just got to continue to work. You know, I'm an open-minded individual. I hope you are as well and thank you.

**JENNIFER HICKS:** Thank you.

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**LATHROP:** OK, thank you. Thanks for being here today. Next proponent.  
Anyone else here to speak in support of LB300? Seeing none, we will go  
to opponents. Anyone here in opposition?

**MELODY VACCARO:** Good afternoon.

**LATHROP:** Good afternoon.

**MELODY VACCARO:** Thank you for having me here. My name is Melody  
Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o. I'm here representing Nebraskans  
Against Gun Violence and we are narrowly opposed to this bill. I had  
the law center first take a look at it. There's a lot in here and, and  
so our opposition is pretty narrow. We are opposed to adding cars,  
vehicles to the duty to retreat paragraph. When you're looking at--  
the other thing I attached in there is from the American Bar  
Association about Stand Your Ground. When we're talking about a duty  
to retreat, we're talking about Stand Your Ground and, you know, your  
home, your castle, that's kind of one thing and I think most people  
probably agree that you should be able to use lethal force in your  
home. I think there's probably a reasonable, reasonable debate about  
lethal force in your workplace. That's probably more debatable and we  
would come out strongly opposed about your vehicle. If you can drive  
away, you should drive away. You're in your car. So I want to bring up  
the case-- Trayvon Martin. There was somebody in his car who thought  
that a teenager was too scary and he felt afraid. He could have  
retreated. He chose not to and that child is dead and will be dead  
forever and that was a legal murder. And that's what we're really  
talking about when we're talking about adding no duty to retreat.  
That's what you end up with. The first page of the packet that I  
brought is from the Nebraska firearm report, which is on our website,  
and that is about firearm homicide in Nebraska. And so if you look at  
homicide from 2008 to 2018 and you compare it to the population of  
people in our state, 4 percent of the population is identified as  
black, 51 percent of the homicide deaths are people that are black; 82  
percent of our state is white, 44 percent of those homicide deaths are  
white. Rates-- they're 13 times the rate we would expect to fall on  
the black community, so that is a serious problem. When we're talking  
about legal murders, we want to be very careful. Stand Your Ground,  
there is bodies and bodies of research showing that it increases  
homicides and it specifically increases homicides in the black  
community, more specifically with black men. I would also like to say  
to Senator Slama's story about the woman, that is a terrible story. We

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have a serious problem with domestic violence. We have over 50-some police agencies in Nebraska not reporting their domestic violence, including the Omaha Police Department. We really need to take violence against women very, very seriously, but it's removing the duty to retreat from vehicles. That does not protect women. That endangers black men. Thank you.

**LATHROP:** OK. Thank you. I appreciate your testimony. Looks like that's drawn some questions. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming, Ms. Vaccaro. I just was interested-- so you said you had a narrow opposition.

**MELODY VACCARO:** Yes.

**PANSING BROOKS:** And so could you explain that a little further?

**MELODY VACCARO:** Yeah, so when I had the law center take a look, they really-- and of course, you know, I'm not a lawyer. I just play one at the Unicameral. They really liked increasing reasonably and in good faith. They thought that really made it more clear from "believes." They really liked that language and they also liked that it just gives a lot of clarity to when these-- when that self-defense is allowed to happen and when it's more debatable.

**PANSING BROOKS:** OK, so I was wondering if there could be some sort of, I don't know, amendment to say if they're inside your car--

**MELODY VACCARO:** Yeah. I mean, if someone is inside your car harming you--

**PANSING BROOKS:** Yeah, there's no duty to retreat at that point.

**MELODY VACCARO:** I mean, I would, I would kind of look to what the American Bar Association said, though, and tread very carefully, which is, you know, you don't want to undermine a victim's rights and so I would be really-- in the spirit of violence against women, I would be worried that would be used by men honestly, as [INAUDIBLE], and then they would get the special immunity in the law. But if someone who is unknown to you gets in your car, I mean, yes, protect yourself and do what you need to do and that, that person shouldn't have done that and they kind of get what they get at that point. But if they're not in your car, I certainly think you have a duty to retreat. You're

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literally in your car. You can drive away unless you can't and I think that's why we have the whole fact-finding process in our judicial system.

**PANSING BROOKS:** So you do-- you already do have the right to defend yourself if there's deadly force, although it's questionable whether some people would consider rape deadly force, so that's one issue.

**MELODY VACCARO:** Yeah and I think we-- I haven't seen any cases-- the last self-defense case I saw in Nebraska where somebody murdered someone, it went through the courts and it was found to-- that it was fine. They didn't get in trouble for it-- was they, they actually were in their car and it was in Omaha at maybe West Telemarketing. I can't remember exactly where, but they were in their car and he had come to pick up his female friend. She was worried about the ex-boyfriend, current boyfriend, not sure the status, and that-- the ex-boyfriend tried to get in the car and her friend who came to pick her up killed him and he was found not guilty of murder. It still went through the fact-finding process, but he did not end up with a conviction. So we, we for sure do have the right to defend ourselves in our cars. That already is existing and I've seen that, you know, in a case already.

**PANSING BROOKS:** Thank you.

**LATHROP:** OK. Senator Geist.

**GEIST:** Oh, I just want to clarify that the handout that you gave, which talks--

**MELODY VACCARO:** Yeah.

**GEIST:** --about homicides and specifically talks about people of color and it specifies black, although I, I don't know what people-- brown would be and I just want to clarify that what we're talking about is not necessarily homicide. We're talking about this would be a situation of self-defense and so I would just guess these numbers would be different if we're just narrowing it to self-defense--

**MELODY VACCARO:** You know, that's a good question.

**GEIST:** --and I wouldn't want to assume that those numbers are going to be-- who-- I don't know what those numbers are, but I just wouldn't want to assume that, that the ratios would necessarily be the same,

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that an intruder would always be black necessarily. I don't know, but  
I, I just want to clarify that that's what we're talking about, not  
necessarily just homicide.

**MELODY VACCARO:** So the homicide numbers come from the CDC and then the  
black/white, that is also coming from the CDC so they-- however they  
decide how they put people into buckets, that's how we put them into  
buckets and I believe-- and this is-- I am not for sure on this--

**GEIST:** OK.

**MELODY VACCARO:** --so, but I believe when they are talking about  
homicide, they are talking about killed by another person, whether--

**GEIST:** Well--

**MELODY VACCARO:** --it was legal or not legal to do so.

**GEIST:** And that's my point.

**MELODY VACCARO:** That is my-- that's what I think.

**GEIST:** We're talking about self-defense and homicide would be murder  
or not necessarily just someone is intruding and therefore, I'm  
defending myself, which you can term that murder, but it's not  
necessarily homicide.

**MELODY VACCARO:** I think that self-defense is included in the homicide  
numbers at CDC, but I, I am-- I could be wrong, so that would just be  
something to fact-find about.

**GEIST:** OK.

**MELODY VACCARO:** That's a really good question, but I think they're  
included.

**GEIST:** OK, thank you.

**MELODY VACCARO:** But I will find out because that is a good question  
for sure.

**GEIST:** Thank you.

**MELODY VACCARO:** Um-hum.

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**GEIST:** That's all.

**LATHROP:** OK. I don't see any other questions. Thanks for being here.

**MELODY VACCARO:** Thank you.

**LATHROP:** Other opposition testimony?

**GINA FRANK:** Hi.

**LATHROP:** Good afternoon.

**GINA FRANK:** My name is Gina Frank and--

**LATHROP:** Will you spell your name for us, please?

**GINA FRANK:** G-i-n-a and then Frank, like, F-r-a-n-k.

**LATHROP:** OK.

**GINA FRANK:** I have a little story to tell you guys. A while ago, I was driving down Highway 2 and a car full of young men pulled up next to me and they pulled a gun on me and they waved the gun around and I was between a semi and some other traffic and they were in the left-hand lane and there was not a whole lot of anywhere for me to go. And the way I look at this bill is that I could have shot them and that would have been self-defense. And instead, I hit the brakes and let some traffic get between us and then I got on the phone with, with 911 and I said a car full of boys just, just pulled a gun on me and-- in traffic on Highway 2 and I, I had, like, part of a license plate number and the description of the car and so they pulled them over further down on Highway 2 and it turned out it was an airsoft gun and they were a bunch of teenagers and nothing happened, but if, if it was considered fine to shoot someone because you feared for your life-- and I definitely feared for my life at that moment. I thought-- I, I didn't-- it didn't look like a fake gun from the-- while I was driving. It did not look like a fake gun and having them wave it around and point it at me while I was, while I was trying to drive, that was a scary situation. And so I don't think that, you know, saying that if you are in your car and somebody makes you fear for your life, then you can shoot them. That's not an appropriate response to fearing for your life when you're in your car. I mean, does that



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mean that if somebody, like, drives aggressively at me that I should be able to shoot them? So that's all I have.

**LATHROP:** OK. Thank you for sharing that and being here today. Anyone else here to testify in opposition? Good afternoon.

**MARK RICHARDSON:** Good afternoon, Senator, Senator Lathrop. Senators, thank you for allowing me to testify today. My name is Mark Richardson, M-a-r-k R-i-c-h-a-r-d-s-o-n, and I'm here today on behalf of the Nebraska Association of Trial Attorneys. I think it is fitting to describe our opposition to this bill as quite narrow. We-- I'm not here to oppose the primary purpose of this bill or anything having to do with that. We are civil trial lawyers over at NATA. We are concerned with the potential impact of this legislation on civil litigation, not on criminal law and that is the capacity in which we are opposing this bill. If you look at Sections 11 and Sections 12 specifically, they deal with civil claims for property damage, stolen property, and also intentional torts of assault, battery, and, and intentional wrongful death. It incorporates-- this is basically another defense to civil litigation and that is the very narrow area in which we oppose this. Nebraska Association of Trial Attorneys has been working with Senator Slama on this legislation or has actually been in communication with her on it with regard to this and my understanding is she's, she's at least open to the, the-- what I'm here opposing today and potentially helping to fix this. Obviously, until that gets fixed, we're going to continue to, to oppose that. Specifically, our concern is that by directly referencing and incorporating civil litigation into this bill and providing this as an additional defense, you're potentially, you're potentially changing the standard that applies in civil litigation. Currently in, in civil litigation, the standard is one of reasonableness. This one introduces the concept of and in good faith. I think that's an unintended consequence of this bill would be to change the standard in civil litigation. You would certainly also acknowledge the fact that it's entirely possible for an actor to be acting in faith-- acting in good faith and also be acting foolishly. Those two things are not mutually exclusive. I think this introduces a lot of potential confusion for the courts in how to interpret this and, and what we're dealing with there. Any bill that seeks to deviate from this well-established principles and standards of civil litigation should be strongly scrutinized or at least those positions of it should. You know, after analyzing the purposes and the language of this bill, we just don't

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see the justification for, for messing with the standard of care when it comes to civil litigation. There's been some discussion earlier about the changing of the standard of proof as well in criminal-- in the criminal defense world. That is the same concern that we have and another reason we would oppose this is instead of this being an affirmative defense now, where the defendant comes in and says I-- this is an affirmative defense that I had, the defendant in the civil litigation has the burden of proving-- you're, you're putting an affirmative defense burden of proof onto the plaintiff, which is not how things work in the civil world. For those reasons, NATA opposes Sections 11 and 12 on this bill as it's currently drafted and we look forward to working with Senator Slama to help maybe clarify that a little bit and address our opposition. Thank you.

**LATHROP:** OK. I don't see any questions. Thanks for being here today.

**MARK RICHARDSON:** Thanks, Senator Lathrop.

**\*ANGELA AMACK:** Members, my name is Angela A mack, appearing before you as a registered lobbyist on behalf of Every town for Gun Safety and the Nebraska Chapter of Moms Demand Action for Sheila Turbes. Please accept this letter in lieu of testimony for the Committee Statement and Permanent Record. Dear Committee Chair and Committee Members, My name is Sheila Turbes. I am a volunteer with the Nebraska Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of Americans fighting for common-sense public safety measures that respect the Second Amendment while also working to protect Americans from gun violence. I am representing our group, which opposes LB300, a dangerous bill that would remove the duty to retreat from cars making it easier to shoot first and ask questions later and helping criminals escape justice. Laws that remove the duty to retreat from public places give people a license to kill, even when they can safely de-escalate the situation by walking away. LB300 would encourage people to violently escalate situations that could otherwise be diffused. This would give everyday, untrained citizens the right to shoot someone without even having to consider whether or not they could safely retreat. This would allow everyday conflicts to escalate to deadly shootings. As a Nebraska resident, I am deeply concerned about the impacts this bill will have on all communities, particularly communities of color. Research shows that Stand Your Ground laws have a disproportionate impact on people of color -- in Stand Your Ground states, homicides in which white shooters kill Black victims are

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deemed justifiable five times more frequently than when the situation is reversed. I urge the committee to please vote NO on this dangerous bill. Sheila Turbes Volunteer Nebraska Chapter of Moms Demand Action

**LATHROP:** Anyone else here to speak in opposition to LB300? Seeing none, is anyone here to speak in the neutral capacity?

**AMBER PARKER:** Another long day. My name is Amber Parker, A-m-b-e-r, last name, Parker, P-a-r-k-e-r. I'm here to testify in the neutral position. I do believe that Senator Slama is going in the right direction. The way current law is is you have to flee. The victim has to flee. So the state law is there's no protection on perhaps the person who could become a victim and that's really wrong when we look at it and say equality before the law. The thing about it is that as a woman, I know that it makes it very hard. Try running forward, carrying a, a-- you know, if someone's carrying their, their gun or in their house or whatever is going on, right now, you have to try to get away. Now imagine if you're in a two-story home. Are you going to jump off your deck out of fear, you know, to save your life and perhaps break some legs? Because in the state of Nebraska, if you-- whether being a concealed permit holder in your home or not, you still have the right to bear arms. So really, that's where we're at without legislation like LB300. The reason I'm testifying again in the neutral position is that if you were trying to run from your home to get to your car or running away from somebody, the way the legislation is that I understand is, you know, it does not protect your ground. So if you're trying to get away from those who are trying to harm you to get to your car, then you really have a question with due process. Even though with the Constitution, we see that due process is going away and actually going towards the criminals and this is why it is important. So I, I applaud Senator Slama in going forward to protecting our homes and I do like her adding in the vehicle. If you were walking to your car and someone's chasing you, you're going to try to grab the door, right? OK, if you don't have technology where your door just opens or someone, like, puts their hand and slams the door shut behind you, you're going to be in a tug of war and then therefore, we-- you know, the use of deadly force. So in those areas, we really do need protection to make sure that people can defend themselves in their homes. And you're not thinking, does somebody have a spork in their pocket? You're thinking they broke into your home. They're there-- if they're holding up a knife, whatever it be, and you're going to be there to protect your family. It is your home. Same

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thing within your car. People could break windows in an SUV to hide out behind you. As a woman, if you're in the driver's seat and someone comes up, puts you in a chokehold, where are you going to do? If you have your concealed carry permit, of course, what you have to have, you're going to pull your gun, you're going to point it whatever way and just pray that it hits the person that's coming after you to attack you. So I do urge that this would be looked at further. Thank you.

**LATHROP:** Thank you. I don't see any questions. Anyone else here to speak in the neutral capacity on LB300? Seeing none, Senator Slama, you are welcome to close. We do have 87 position letters, 84 of those are proponents, 3 are in opposition, and we have written testimony from Angela Amack representing Everytown for Gun Safety as an opponent. Senator Slama.

**SLAMA:** Thank you, Chairman Lathrop, members of the Judiciary Committee. It's been a long day, so I'll be very brief. I'd just like to take a moment to thank everybody who came here to testify today. It's been a long day and I appreciate how we were able to get through things here. I'd also like to especially thank Mr. Kollasch for his input and especially his testimony on my bill. I think that provided a needed perspective from a criminal defense attorney as to why this is necessary in our state. To address a couple of the points that were raised during testimony, again, this is not a Stand Your Ground bill. It doesn't even come close to that level. And in addition, to the point with the motor vehicle, as you can see in the bill at the end of pages 7 into the start of page 8, we make it very clear: this person has to be either in your car or trying to get into your car for that force to be used. It is a very, very narrow definition. This is not just you see someone who you think is threatening out on the street. They have to be trying to get in your car or be in your car. So yes, if they're not in your car, you can just drive away and you probably should. We're talking about those situations where it's physically not possible for you to retreat because you're in your own motor vehicle and someone's trying to get in. As to the point with the trial attorneys, I am absolutely looking forward to working with them and I'm hoping that whatever compromise we can come to you would be presented as an amend-- a committee amendment, so I'm more than willing to work with everybody. I want to see this passed. I see this as a very necessary bill to clear up some very convoluted language in our statutes.

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**LATHROP:** I got a question.

**SLAMA:** Oh, boy.

**LATHROP:** So about-- I'll say six months ago-- I read in the World-Herald where two women were driving down Dodge Street out by 84th Street. One of them-- I don't know if they did a brake check. I know what it was. They were going to turn left off of Dodge, right, into, I think, the Methodist parking lot and the person behind-- the left turner started laying on the horn and this turned into take it into the parking lot and having a confrontation. If the person who, who-- so there's the aggressor--

**SLAMA:** Yes.

**LATHROP:** --the person laying on the horn and giving them the business for, for having their blinker on and, and making a left turn off of Dodge Street. If the person who was upset-- they're in the parking lot-- now approaches the car and starts beating on the window, can we shoot him?

**SLAMA:** I would argue you, you would have to show reasonably and in good faith that they were trying to enter your vehicle and I don't know--

**LATHROP:** OK, well, that's going to be my next question--

**SLAMA:** OK.

**LATHROP:** --because I think that-- I think-- and it's been a while since I read it and I don't want to mischaracterize what happened, but I think it turned into some, you know, some slapping and some hair pulling kind of an, an altercation. She opens the car door. Now can we shoot?

**SLAMA:** Did-- the person inside the car or outside?

**LATHROP:** The person inside the car-- and, and this can be a hypothetical. We don't need to--

**SLAMA:** Sure, we don't have to tie to the [INAUDIBLE].

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**LATHROP:** So road rage happens. There's the person that's mad and the person that's, like, what are you upset about? OK? They're in the parking lot and now the person that's upset goes over to the car and starts beating on the window and finally grabs the door handle and starts opening the car door.

**SLAMA:** Sure. That would be--

**LATHROP:** Hasn't laid a, has, hasn't laid a hand on him yet, hasn't punched anybody, hasn't struck anybody, but now they've opened the car door--

**SLAMA:** Well, I would offer you the--

**LATHROP:** --and they're definitely mad.

**SLAMA:** Definitely mad, OK. I would offer you the parallel of our current castle doctrine statutes of someone opening the door to your house, very obviously upset and angry and that's going to be up to the jury as to whether or not they determined that they forcibly entered. Under that condition, I would say probably yes. If someone's angry banging on your door--

**LATHROP:** So--

**SLAMA:** --you reasonably and in good faith feel threatened and they're opening your car door--

**LATHROP:** I don't know about--

**SLAMA:** [INAUDIBLE]

**LATHROP:** I don't know about the 1st District, but I don't think this is uncommon in Douglas County.

**SLAMA:** What is going on in Douglas County?

**LATHROP:** Pardon me?

**SLAMA:** What is going on in Douglas County?

**LATHROP:** I don't know, road rage. We--

**SLAMA:** Sure.

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**LATHROP:** It is happening and I'm just wondering if we are creating the  
circumstance where these things end with a shooting rather than end  
with screaming at each other or a fistfight.

**SLAMA:** Sure, well, I would counter with the point we had Nikko Jenkins  
pull someone from their car and end up murdering them, so this--

**LATHROP:** No question.

**SLAMA:** Yes.

**LATHROP:** No question. Now that's, that's--

**SLAMA:** Yes, there's--

**LATHROP:** --somebody that's actually grabbing somebody and pulling them  
out of their car. I-- under existing law, there's no problem with  
shooting Nikko Jenkins while he's dragging--

**SLAMA:** Sure.

**LATHROP:** ---me out of the car and ready to murder you, right?

**SLAMA:** Sure.

**LATHROP:** So this is just sort of the road rage. It does cause me some  
concern, I will say, only because when we start talking about the car,  
we're really talking about road rage, which is where people start to  
go up to cars and start getting mad. It can be a carjacking in a  
parking lot. If you are leaving the Capitol and somebody's-- I get it.  
I'm just not sure where the, where the threshold should be or what all  
the circumstances should be present before that happens and whether,  
whether we're opening the door to more altercations ending with  
firearms than with, you know, a fist fight.

**SLAMA:** Well, I'd be more than willing to discuss and work with you on  
it.

**LATHROP:** Yeah, I'm happy to. It's, it's an interesting hearing. I  
appreciate-- I want to make sure that Senator--

**SLAMA:** Yes.

**LATHROP:** --Pansing Brooks.

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**PANSING BROOKS:** Thank you. Thank you, Senator Slama. It has been a really interesting hearing. So how, how do you avoid the issue about well, they were trying to get into my car? I mean, we, we've heard all this with, with Trayvon Martin and people mistakenly identifying people on what, what people's intentions are. I just-- I'm trying to figure out-- I mean, the case where the woman is in the car, I can't even believe that-- was that the one that was deadly--

**SLAMA:** And I can give you more information on that case off the record. I just don't want to go into detail--

**PANSING BROOKS:** OK.

**SLAMA:** --about a sexual assault victim on the--

**PANSING BROOKS:** Yeah, was that, was that because they determined it was not deadly force, that she was just getting raped? It wasn't deadly-- she could use deadly force if she's getting raped.

**SLAMA:** That, that is a gray area in our statutes right now, which is--

**PANSING BROOKS:** Yeah, gosh.

**SLAMA:** --horrifying, yeah.

**PANSING BROOKS:** OK. Well, we'll talk more afterwards, so thank you.

**SLAMA:** Yes.

**LATHROP:** I don't see any more questions. I thank you. Before, before we leave though, I want to thank everybody today who showed up. Many of you have been here since this morning. Everyone that presented today has been respectful and I appreciate that. This is the way hearings should be conducted on issues that have strong feelings on both sides, so thank you, everyone, for tolerating our clearing of the room and the process that we used today to make sure everyone had an opportunity to be heard.

**PANSING BROOKS:** And that's-- the whole committee feels that way. I--

**LATHROP:** Yeah, no, I think--

**PANSING BROOKS:** We're all grateful.



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**LATHROP:** I think that's true. I think I speak for the whole committee,  
so--

**PANSING BROOKS:** Thank you.

**LATHROP:** --thank you, everyone. And with that, we'll close the hearing  
on LB300 and close our hearings for the day.