

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB194

Hearing Date: Thursday February 02, 2023
Committee On: Government, Military and Veterans Affairs
Introducer: Halloran
One Liner: Adopt the Second Amendment Preservation Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	5	Senators Aguilar, Brewer, Halloran, Lowe, Sanders
Nay:	3	Senators Conrad, Hunt, Raybould
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Steve Halloran
Dave Kendle

Representing:

Introducer
Self

Opponents:

Matthew Franken
Michael Todd Kozelichki
Melody Vaccaro
Sheri St Clair

Representing:

Lincoln Police Union
Omaha Police Department
Nebraskans Against Gun Violence
League of Women Voters Nebraska

Neutral:

Representing:

* ADA Accomodation Written Testimony

Summary of purpose and/or changes:

Summary:

This bill recites legislative findings relating to the right to keep and bear arms and federalism, including a reference to the United States Supreme Court's decision in *Printz v. United States*, 528 US 898 (1997). It then asserts that the federal government shall not commandeer Nebraska's "officers, agents, or employees to participate in the enforcement or facilitation of any federal act or regulatory program."

The bill would forbid agencies of the state and the state's political subdivisions from (1) participation in enforcement of any federal firearms law, order, rule, or regulation regarding firearms, firearms accessories, and ammunition, or (2) using any "assets, state funds, or funds allocated by the state to local entities" to enforce such federal requirement unless it also existed under the laws of Nebraska. Violation of this policy could result in an assessment of civil penalties against the

violator of up to \$3,000 for a first violation. A second or subsequent violation could result in prosecution for a Class I misdemeanor.

If the Attorney General or a county attorney is notified of an alleged violation by a political subdivision, they would be required to bring a civil action in District Court to evaluate whether a violation has occurred and to seek appropriate injunctive relief. If the adjudication process results in a finding of violation, the political division would be denied state grant funds for the subsequent fiscal year, with such denied funds lapsing into the General Fund.

The bill contains a severability clause.

Tom Brewer, Chairperson