

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 539

Introduced by Hardin, 48.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to the regulation of handguns; to amend
2 sections 69-2403, 69-2409.01, 69-2410, and 69-2420, Reissue Revised
3 Statutes of Nebraska; to eliminate provisions relating to handgun
4 purchase requirements; to change provisions relating to criminal
5 history record checks; to harmonize provisions; to repeal the
6 original sections; and to outright repeal sections 69-2409, 69-2411,
7 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418,
8 69-2419, and 69-2423, Reissue Revised Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 69-2403, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-2403 (1) Except as provided in this section ~~and section 69-2409,~~
4 a person shall not purchase, lease, rent, or receive transfer of a
5 handgun until he or she has obtained a certificate in accordance with
6 section 69-2404. Except as provided in this section ~~and section 69-2409,~~
7 a person shall not sell, lease, rent, or transfer a handgun to a person
8 who has not obtained a certificate.

9 (2) The certificate shall not be required if:

10 (a) The person acquiring the handgun is a licensed firearms dealer
11 under federal law;

12 (b) The handgun is an antique handgun;

13 (c) The person acquiring the handgun is authorized to do so on
14 behalf of a law enforcement agency;

15 (d) The transfer is a temporary transfer of a handgun and the
16 transferee remains (i) in the line of sight of the transferor or (ii)
17 within the premises of an established shooting facility;

18 (e) The transfer is between a person and his or her spouse, sibling,
19 parent, child, aunt, uncle, niece, nephew, or grandparent;

20 (f) The person acquiring the handgun is a holder of a valid permit
21 under the Concealed Handgun Permit Act; or

22 (g) The person acquiring the handgun is a peace officer as defined
23 in section 69-2429.

24 **Sec. 2.** Section 69-2409.01, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 69-2409.01 (1)(a) ~~(1)~~ For purposes of criminal history record
27 information checks relating to firearms or explosives ~~sections 69-2401 to~~
28 ~~69-2425,~~ the Nebraska State Patrol shall be furnished with only such
29 information as may be necessary for the purposes ~~sole purpose~~ of
30 determining whether an individual is:

31 (i) Qualified to receive a permit to carry a concealed handgun under

1 section 69-2433; or

2 (ii) Disqualified ~~disqualified~~ from purchasing or possessing
3 firearms or explosives ~~a handgun~~ pursuant to state or federal law ~~or is~~
4 ~~subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4).~~

5 (b) Such information shall be furnished by the Department of Health
6 and Human Services. The clerks of the various courts shall furnish to the
7 Department of Health and Human Services and Nebraska State Patrol, as
8 soon as practicable but within thirty days after an order of commitment
9 or discharge is issued or after removal of firearm-related disabilities
10 pursuant to section 71-963, all information necessary to set up and
11 maintain the database required by this section. This information shall
12 include ~~(a)~~ information regarding those persons who:

13 (i) Are disqualified from purchasing or possessing firearms or
14 explosives pursuant to state or federal law, including, but not limited
15 to, 18 U.S.C. 922(d)(4) and (g)(4);

16 (ii) Are ~~are~~ currently receiving mental health treatment pursuant to
17 a commitment order of a mental health board or who have been
18 discharged; ~~τ~~

19 (iii) Have ~~(b) information regarding those persons who have been~~
20 ~~committed to treatment pursuant to section 29-3702; τ and~~

21 (iv) Meet the definition of adjudicated as a mental defective or
22 committed to a mental institution pursuant to 27 C.F.R. 478.11; and

23 (v) Have ~~(c) information regarding those persons who have had~~
24 ~~firearm-related disabilities removed pursuant to section 71-963.~~

25 (c) The mental health board shall notify the Department of Health
26 and Human Services and the Nebraska State Patrol when an individual's
27 firearm-related ~~such~~ disabilities have been removed pursuant to section
28 71-963.

29 (d) The department ~~Department of Health and Human Services~~ shall
30 ~~also~~ maintain in the database a listing of persons committed to treatment
31 pursuant to section 29-3702.

1 (e) To ensure the accuracy of the database, any information
2 maintained or disclosed under this subsection shall be updated,
3 corrected, modified, or removed, as appropriate, and as soon as
4 practicable, from any database that the state or federal government
5 maintains and makes available to the National Instant Criminal Background
6 Check System. The procedures for furnishing the information shall
7 guarantee that no information is released beyond what is necessary for
8 purposes of this section.

9 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408
10 and this section, the Nebraska State Patrol shall provide to the chief of
11 police or sheriff of an applicant's place of residence ~~or a licensee in~~
12 ~~the process of a criminal history record check pursuant to section~~
13 ~~69-2411~~ only the information regarding whether or not the applicant is
14 disqualified from purchasing or possessing a handgun.

15 (3) Any person, agency, or mental health board participating in good
16 faith in the reporting or disclosure of records and communications under
17 this section is immune from any liability, civil, criminal, or otherwise,
18 that might result by reason of the action.

19 (4) Any person who intentionally causes the Nebraska State Patrol to
20 request information pursuant to this section without reasonable belief
21 that the named individual has submitted a written application under
22 section 69-2404 or 69-2430 or is otherwise subject to a criminal history
23 record information check pursuant to law ~~has completed a consent form~~
24 ~~under section 69-2410~~ shall be guilty of a Class II misdemeanor in
25 addition to other civil or criminal liability under state or federal law.

26 ~~(5) The Nebraska State Patrol and the Department of Health and Human~~
27 ~~Services shall report electronically to the Clerk of the Legislature on a~~
28 ~~biannual basis the following information about the database: (a) The~~
29 ~~number of total records of persons unable to purchase or possess firearms~~
30 ~~because of disqualification or disability shared with the National~~
31 ~~Instant Criminal Background Check System; (b) the number of shared~~

1 ~~records by category of such persons; (c) the change in number of total~~
2 ~~shared records and change in number of records by category from the~~
3 ~~previous six months; (d) the number of records existing but not able to~~
4 ~~be shared with the National Instant Criminal Background Check System~~
5 ~~because the record was incomplete and unable to be accepted by the~~
6 ~~National Instant Criminal Background Check System; and (e) the number of~~
7 ~~hours or days, if any, during which the database was unable to share~~
8 ~~records with the National Instant Criminal Background Check System and~~
9 ~~the reason for such inability. The report shall also be published on the~~
10 ~~websites of the Nebraska State Patrol and the Department of Health and~~
11 ~~Human Services.~~

12 **Sec. 3.** Section 69-2410, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18
15 U.S.C. 923 shall sell or deliver any handgun to another person other than
16 a licensed importer, manufacturer, dealer, or collector until he or she
17 has:

18 (1) ~~(1)(a)~~ Inspected a valid certificate issued to such person
19 pursuant to sections 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

20 (2) ~~(b)~~ Inspected a valid identification containing a photograph of
21 such person which appropriately and completely identifies such person. ÷
22 or

23 ~~(2)(a) Obtained a completed consent form from the potential buyer or~~
24 ~~transferee, which form shall be established by the Nebraska State Patrol~~
25 ~~and provided by the licensed importer, manufacturer, or dealer. The form~~
26 ~~shall include the name, address, date of birth, gender, race, and country~~
27 ~~of citizenship of such potential buyer or transferee. If the potential~~
28 ~~buyer or transferee is not a United States citizen, the completed consent~~
29 ~~form shall contain the potential buyer's or transferee's place of birth~~
30 ~~and his or her alien or admission number;~~

31 ~~(b) Inspected a valid identification containing a photograph of the~~

1 ~~potential buyer or transferee which appropriately and completely~~
2 ~~identifies such person;~~

3 ~~(c) Requested by toll-free telephone call or other electromagnetic~~
4 ~~communication that the Nebraska State Patrol conduct a criminal history~~
5 ~~record check; and~~

6 ~~(d) Received a unique approval number for such inquiry from the~~
7 ~~Nebraska State Patrol indicating the date and number on the consent form.~~

8 **Sec. 4.** Section 69-2420, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 69-2420 Any person who, in connection with the purchase, transfer,
11 or attempted purchase of a handgun pursuant to section ~~sections~~ 69-2410
12 ~~to 69-2423~~, knowingly and intentionally makes any materially false oral
13 or written statement or knowingly and intentionally furnishes any false
14 identification intended or likely to deceive the licensee shall be guilty
15 of a Class IV felony.

16 **Sec. 5.** Original sections 69-2403, 69-2409.01, 69-2410, and
17 69-2420, Reissue Revised Statutes of Nebraska, are repealed.

18 **Sec. 6.** The following sections are outright repealed: Sections
19 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417,
20 69-2418, 69-2419, and 69-2423, Reissue Revised Statutes of Nebraska.