

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 686

Introduced by Lonowski, 33; Holdcroft, 36; Lippincott, 34; Strommen, 47.

Read first time January 22, 2025

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to firearms; to define terms; to prohibit
- 2 governmental entities and officials from keeping certain lists
- 3 relating to the ownership of firearms; to prohibit using merchant
- 4 category codes to distinguish firearm retailers from other
- 5 retailers; and to provide a duty, penalty, and defense.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

2 (a) Ammunition means ammunition or cartridge cases, primers,
3 bullets, or propellant powder designed for use in any firearm;

4 (b) Assign or assignment refers to a covered entity's policy,
5 process, or practice that labels, links, or otherwise associates a
6 merchant category code with a merchant or payment card transaction in a
7 manner that allows the covered entity or any other entity facilitating or
8 processing the payment card transaction to identify whether a merchant is
9 a firearm retailer or whether a transaction involves the sale of firearms
10 or ammunition;

11 (c) Covered entity means an entity or agent of an entity that
12 establishes a relationship with a retailer for the purpose of processing
13 credit, debit, or prepaid transactions;

14 (d) Firearm includes firearm components and accessories;

15 (e) Firearm retailer means any person or entity that is engaged in
16 the lawful selling or trading of firearms or ammunition;

17 (f) Merchant category code means the code, approved by the
18 International Organization for Standardization, that is assigned to a
19 retailer based on the type of goods and services offered to a retailer's
20 customers;

21 (g) Payment card means a credit card, charge card, debit card, or
22 any other card that is issued to an authorized card user and that allows
23 the user to obtain, purchase, or receive goods, services, money, or
24 anything else of value from a merchant;

25 (h) Payment card network means an entity or agent of an entity that
26 provides the proprietary services, infrastructure, and software to
27 conduct payment card transaction authorizations, clearances, and
28 settlements; and

29 (i) Payment card transaction means any transaction in which a
30 payment card is accepted as payment.

31 (2)(a) No government entity, official, or agent or employee of a

1 government entity or official shall knowingly keep or cause to be kept
2 any list, record, or registry of privately owned firearms or the owners
3 of firearms, except for those records kept during the regular course of a
4 criminal investigation, prosecution, or as otherwise required by law.

5 (b) A payment card network shall not require or incentivize the use
6 of a merchant category code in a manner that distinguishes a firearm
7 retailer from other retailers.

8 (c) A covered entity shall not assign a firearm retailer a merchant
9 category code that distinguishes the firearm retailer from other
10 retailers.

11 (3)(a) The Attorney General shall investigate reasonable allegations
12 that a person or entity, including a government entity, has violated
13 subsection (2) of this section. Upon finding a violation, the Attorney
14 General shall issue a written notice to the person or entity believed to
15 have committed the violation. The person or entity shall cease the
16 violation within thirty business days after receiving such written
17 notice.

18 (b) If such person or entity does not cease the violation within
19 thirty business days after receiving such written notice, then the
20 Attorney General shall file an action against such person or entity to
21 seek an injunction.

22 (c) If the court finds that a person or entity violated the
23 provisions of this section and has not ceased the violation, then the
24 court shall enjoin such person or entity from continuing the violation.

25 (d) If such person or entity fails to comply with such injunction
26 after thirty business days of being served the injunction, then the
27 Attorney General shall seek to impose on that person or entity a civil
28 fine in an amount not to exceed one thousand dollars per violation. In
29 assessing the amount of the fine, the court shall consider the financial
30 resources of the violator and the harm or risk of harm to the right to
31 keep and bear arms under Article I, section 1, of the Constitution of

1 Nebraska.

2 (e) Any order imposing a civil fine pursuant to this section shall
3 be stayed pending an appeal of the order.

4 (4) The Attorney General has exclusive authority to enforce the
5 provisions of this section. The remedies set forth in this section are
6 the exclusive remedies for any violation of this section.

7 (5) It shall be a defense to a proceeding initiated pursuant to this
8 section that a merchant category code was required to be permitted or
9 assigned by law.