

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 879

Introduced by Christensen, 44.

Read first time January 14, 2014

Committee:

A BILL

1 FOR AN ACT relating to the Concealed Handgun Permit Act; to amend
2 sections 69-2428, 69-2429, 69-2430, 69-2432, 69-2434,
3 69-2437, 69-2438, 69-2440, 69-2441, 69-2447, and 69-2448,
4 Reissue Revised Statutes of Nebraska, and sections
5 28-1204.04, 69-2431, 69-2433, 69-2435, 69-2436, 69-2439,
6 and 69-2449, Revised Statutes Cumulative Supplement,
7 2012; to change permit provisions; to provide for a
8 permit to carry a concealed handgun in a school as
9 prescribed; to define and redefine terms; to provide
10 fees; to harmonize provisions; and to repeal the original
11 sections.

12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1204.04, Revised Statutes
2 Cumulative Supplement, 2012, is amended to read:

3 28-1204.04 (1) Any person who possesses a firearm in a
4 school, on school grounds, in a school-owned vehicle, or at a school-
5 sponsored activity or athletic event is guilty of the offense of
6 unlawful possession of a firearm at a school. Unlawful possession of
7 a firearm at a school is a Class IV felony. This subsection shall not
8 apply to (a) the issuance of firearms to or possession by members of
9 the armed forces of the United States, active or reserve, National
10 Guard of this state, or Reserve Officers Training Corps or peace
11 officers or other duly authorized law enforcement officers when on
12 duty or training, (b) the possession of firearms by peace officers or
13 other duly authorized law enforcement officers when contracted by a
14 school to provide school security or school event control services,
15 (c) firearms which may lawfully be possessed by the person receiving
16 instruction, for instruction under the immediate supervision of an
17 adult instructor, (d) firearms which may lawfully be possessed by a
18 member of a college or university rifle team, within the scope of
19 such person's duties as a member of the team, (e) firearms which may
20 lawfully be possessed by a person employed by a college or university
21 in this state as part of an agriculture or a natural resources
22 program of such college or university, within the scope of such
23 person's employment, (f) firearms contained within a private vehicle
24 operated by a nonstudent adult which are not loaded and (i) are
25 encased or (ii) are in a locked firearm rack that is on a motor

1 vehicle, ~~or~~(g) a handgun carried as a concealed handgun by a valid
2 holder of a permit issued under the Concealed Handgun Permit Act
3 permitholder or a valid holder of a permit issued by another state or
4 the District of Columbia recognized pursuant to the act in a vehicle
5 or on his or her person while riding in or on a vehicle into or onto
6 any parking area, which is open to the public and used by a school
7 if, immediately prior to exiting or departing from the vehicle, the
8 handgun is locked inside the glove box, trunk, or other compartment
9 of the vehicle, a storage box securely attached to the vehicle, or,
10 if the vehicle is a motorcycle, a hardened compartment securely
11 attached to the motorcycle while the vehicle is in or on such parking
12 area, except as prohibited by federal law, or (h) a handgun carried
13 as a concealed handgun by a valid holder of a Level II permit to
14 carry a concealed handgun in a school issued under the act. For
15 purposes of this subsection, encased means enclosed in a case that is
16 expressly made for the purpose of containing a firearm and that is
17 completely zipped, snapped, buckled, tied, or otherwise fastened with
18 no part of the firearm exposed.

19 (2) Any firearm possessed in violation of subsection (1)
20 of this section shall be confiscated without warrant by a peace
21 officer or may be confiscated without warrant by school
22 administrative or teaching personnel. Any firearm confiscated by
23 school administrative or teaching personnel shall be delivered to a
24 peace officer as soon as practicable.

25 (3) Any firearm confiscated by or given to a peace

1 officer pursuant to subsection (2) of this section shall be declared
2 a common nuisance and shall be held by the peace officer prior to his
3 or her delivery of the firearm to the property division of the law
4 enforcement agency which employs the peace officer. The property
5 division of such law enforcement agency shall hold such firearm for
6 as long as the firearm is needed as evidence. After the firearm is no
7 longer needed as evidence, it shall be destroyed in such manner as
8 the court may direct.

9 (4) Whenever a firearm is confiscated and held pursuant
10 to this section or section 28-1204.02, the peace officer who received
11 such firearm shall cause to be filed within ten days after the
12 confiscation a petition for destruction of such firearm. The petition
13 shall be filed in the district court of the county in which the
14 confiscation is made. The petition shall describe the firearm held,
15 state the name of the owner, if known, allege the essential elements
16 of the violation which caused the confiscation, and conclude with a
17 prayer for disposition and destruction in such manner as the court
18 may direct. At any time after the confiscation of the firearm and
19 prior to court disposition, the owner of the firearm seized may
20 petition the district court of the county in which the confiscation
21 was made for possession of the firearm. The court shall release the
22 firearm to such owner only if the claim of ownership can reasonably
23 be shown to be true and either (a) the owner of the firearm can show
24 that the firearm was taken from his or her property or place of
25 business unlawfully or without the knowledge and consent of the owner

1 and that such property or place of business is different from that of
2 the person from whom the firearm was confiscated or (b) the owner of
3 the firearm is acquitted of the charge of unlawful possession of a
4 handgun in violation of section 28-1204, unlawful transfer of a
5 firearm to a juvenile, or unlawful possession of a firearm at a
6 school. No firearm having significant antique value or historical
7 significance as determined by the Nebraska State Historical Society
8 shall be destroyed. If a firearm has significant antique value or
9 historical significance, it shall be sold at auction and the proceeds
10 shall be remitted to the State Treasurer for distribution in
11 accordance with Article VII, section 5, of the Constitution of
12 Nebraska.

13 Sec. 2. Section 69-2428, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 69-2428 An individual may obtain a Level I permit to
16 carry a concealed handgun or a Level II permit to carry a concealed
17 handgun in a school in accordance with the Concealed Handgun Permit
18 Act.

19 Sec. 3. Section 69-2429, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 69-2429 For purposes of the Concealed Handgun Permit Act:

22 (1) Concealed handgun means the handgun is totally hidden
23 from view. If any part of the handgun is capable of being seen, it is
24 not a concealed handgun;

25 (2) Emergency services personnel means a volunteer or

1 paid firefighter or rescue squad member or a person licensed to
2 provide emergency medical services pursuant to the Emergency Medical
3 Services Practice Act;

4 (3) Handgun means any firearm with a barrel less than
5 sixteen inches in length or any firearm designed to be held and fired
6 by the use of a single hand;

7 (4) Peace officer means any town marshal, chief of police
8 or local police officer, sheriff or deputy sheriff, the
9 Superintendent of Law Enforcement and Public Safety, any officer of
10 the Nebraska State Patrol, any member of the National Guard on active
11 service by direction of the Governor during periods of emergency or
12 civil disorder, any Game and Parks Commission conservation officer,
13 and all other persons with similar authority to make arrests;

14 (5) Permitholder means an individual holding a current
15 and valid Level I permit to carry a concealed handgun or Level II
16 permit to carry a concealed handgun in a school issued pursuant to
17 the Concealed Handgun Permit Act; ~~and~~

18 (6) Proof of training means an original document or
19 certified copy of a document, supplied by an applicant, ~~that~~which
20 certifies that he or she either:

21 (a) Within the previous three years, has successfully
22 completed a handgun training and safety course approved by the
23 Nebraska State Patrol pursuant to section 69-2432; or

24 (b) Is a member of the active or reserve armed forces of
25 the United States or a member of the National Guard and has had

1 handgun training within the previous three years which meets the
2 minimum safety and training requirements of section 69-2432; and -

3 (7) School means a public, private, denominational, or
4 parochial elementary, vocational, or secondary school, a private
5 postsecondary career school as defined in section 85-1603, a
6 community college, a public or private college, a junior college, or
7 a university.

8 Sec. 4. Section 69-2430, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 69-2430 ~~(1)~~-(1)(a) Application for a Level I permit to
11 carry a concealed handgun or a Level II permit to carry a concealed
12 handgun in a school shall be made in person at any Nebraska State
13 Patrol Troop Headquarters or office provided by the patrol for
14 purposes of accepting such an application.

15 ~~The~~-(b) An applicant for a Level I permit to carry a
16 concealed handgun shall present a current Nebraska motor vehicle
17 operator's license, Nebraska-issued state identification card, or
18 military identification card and shall submit two legible sets of
19 fingerprints for a criminal history record information check pursuant
20 to section 69-2431.

21 (c) An applicant for a Level II permit to carry a
22 concealed handgun in a school shall present a current Nebraska motor
23 vehicle operator's license, Nebraska-issued state identification
24 card, or military identification card and shall submit two legible
25 sets of fingerprints for a criminal history record information check

1 pursuant to section 69-2431. The applicant shall also present a
2 notarized letter or notarized letters of approval from the governing
3 body of the school or schools in which the applicant seeks to carry a
4 concealed handgun and proof of employment at the school or schools in
5 which the applicant seeks to carry a concealed handgun. If the
6 applicant for a Level II permit to carry a concealed handgun in a
7 school is already a holder of a Level I permit to carry a concealed
8 handgun, he or she shall present his or her Nebraska-issued Level I
9 permit to carry a concealed handgun with his or her Nebraska motor
10 vehicle operator's license, Nebraska-issued state identification
11 card, or military identification card. The applicant shall also
12 present a notarized letter or notarized letters of approval from the
13 governing body of the school or schools in which the applicant seeks
14 to carry a concealed handgun and proof of employment at the school or
15 schools in which the applicant seeks to carry a concealed handgun.

16 ~~The application~~ (d) All applications for permits shall be
17 made on a form prescribed by the Superintendent of Law Enforcement
18 and Public Safety. ~~The application~~ and shall state the applicant's
19 full name, motor vehicle operator's license number or state
20 identification card number, address, and date of birth and contain
21 the applicant's signature and shall include space for the applicant
22 to affirm that he or she meets each and every one of the requirements
23 set forth in section 69-2433. The applicant shall attach to the
24 application proof of training and proof of vision as required in
25 subdivision (3) of section 69-2433.

1 (2) A person applying for a Level I permit to carry a
2 concealed handgun or a Level II permit to carry a concealed handgun
3 in a school who gives false information or offers false evidence of
4 his or her identity is guilty of a Class IV felony.

5 ~~(3)(a) Until January 1, 2010, the permit to carry a~~
6 ~~concealed handgun shall be issued by the Nebraska State Patrol within~~
7 ~~five business days after completion of the applicant's criminal~~
8 ~~history record information check, if the applicant has complied with~~
9 ~~this section and has met all the requirements of section 69-2433.~~

10 ~~(b) Beginning January 1, 2010, the~~ (3)(a) A Level I
11 permit to carry a concealed handgun or Level II permit to carry a
12 concealed handgun in a school shall be issued by the Nebraska State
13 Patrol within forty-five days after the date an application for the
14 permit has been made by the applicant if the applicant has complied
15 with this section and has met all the requirements of section
16 69-2433.

17 (b) A Level II permit to carry a concealed handgun in a
18 school shall be issued by the Nebraska State Patrol within fourteen
19 days after the date an application for the permit has been made by
20 the applicant if the applicant is already a holder of a current and
21 valid Level I permit to carry a concealed handgun and has complied
22 with this section and has met all the requirements of section
23 69-2433.

24 (4) An applicant denied a permit to carry a concealed
25 handgun may appeal to the district court of the judicial district of

1 the county in which he or she resides or the county in which he or
2 she applied for the permit pursuant to the Administrative Procedure
3 Act.

4 Sec. 5. Section 69-2431, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 69-2431 In order to insure an applicant's initial
7 compliance with sections 69-2430 and 69-2433, ~~the~~an initial
8 applicant for a Level I permit to carry a concealed handgun or an
9 initial applicant for a Level II permit to carry a concealed handgun
10 in a school who is not already a holder of a Level I permit to carry
11 a concealed handgun shall be fingerprinted by the Nebraska State
12 Patrol and a check made of his or her criminal history record
13 information maintained by the Federal Bureau of Investigation through
14 the Nebraska State Patrol. In order to insure continuing compliance
15 with sections 69-2430 and 69-2433 and compliance for renewal pursuant
16 to section 69-2436, a check shall be made of a permitholder's
17 criminal history record information through the National Instant
18 Criminal Background Check System.

19 Sec. 6. Section 69-2432, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 69-2432 (1) The Nebraska State Patrol shall prepare and
22 publish minimum training and safety requirements for ~~and adopt and~~
23 ~~promulgate rules and regulations governing handgun training and~~
24 safety courses and handgun training and safety course instructors.
25 Minimum safety and training requirements for a handgun training and

1 safety course for applicants for a Level I permit to carry a
2 concealed weapon shall include, but not be limited to:

- 3 (a) Knowledge and safe handling of a handgun;
- 4 (b) Knowledge and safe handling of handgun ammunition;
- 5 (c) Safe handgun shooting fundamentals;
- 6 (d) A demonstration of competency with a handgun with
7 respect to the minimum safety and training requirements;
- 8 (e) Knowledge of federal, state, and local laws
9 pertaining to the purchase, ownership, transportation, and possession
10 of handguns;
- 11 (f) Knowledge of federal, state, and local laws
12 pertaining to the use of a handgun, including, but not limited to,
13 use of a handgun for self-defense and laws relating to justifiable
14 homicide and the various degrees of assault;
- 15 (g) Knowledge of ways to avoid a criminal attack and to
16 defuse or control a violent confrontation; and
- 17 (h) Knowledge of proper storage practices for handguns
18 and ammunition, including storage practices which would reduce the
19 possibility of accidental injury to a child.

20 (2) Minimum safety and training requirements for a
21 handgun training and safety course for applicants for a Level II
22 permit to carry a concealed handgun in a school shall include, but
23 not be limited to, the training requirements set forth in subsection
24 (1) of this section and the completion of twenty-four additional
25 hours of training that includes the following:

1 (a) Knowledge of strategies and best practice responses
2 used during an active shooter situation;

3 (b) Knowledge of weapons retention methods;

4 (c) Knowledge of effective evacuation plans and best
5 practices;

6 (d) Knowledge in effective barricading and evasion
7 techniques;

8 (e) Knowledge of how to respond and properly interact
9 with law enforcement within an active shooter situation; and

10 (f) A demonstration of competency implementing all of the
11 methods and techniques described in this subsection during a
12 simulated active shooter situation.

13 ~~(2)~~(3) A person or entity conducting a handgun training
14 and safety course and the course instructors shall be approved by the
15 patrol before operation. The patrol shall issue a certificate
16 evidencing its approval.

17 ~~(3)~~(4) A certificate of completion of a handgun training
18 and safety course shall be issued by the person or entity conducting
19 a handgun training and safety course to persons successfully
20 completing the course. The certificate of completion shall also
21 include certification from the instructor that the person completing
22 the course does not suffer from a readily discernible physical
23 infirmity that prevents the person from safely handling a handgun.

24 ~~(4)~~(5) Any fee for participation in a handgun training
25 and safety course is the responsibility of the applicant.

1 Sec. 7. Section 69-2433, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 69-2433 An applicant for a Level I permit to carry a
4 concealed handgun or a Level II permit to carry a concealed handgun
5 in a school shall:

6 (1) Be at least twenty-one years of age;

7 (2) Not be prohibited from purchasing or possessing a
8 handgun by 18 U.S.C. 922, as such section existed on January 1, 2005;

9 (3) Possess the same powers of eyesight as required under
10 section 60-4,118 for a Class O operator's license. If an applicant
11 does not possess a current Nebraska motor vehicle operator's license,
12 the applicant may present a current optometrist's or
13 ophthalmologist's statement certifying the vision reading obtained
14 when testing the applicant. If such certified vision reading meets
15 the vision requirements prescribed by section 60-4,118 for a Class O
16 operator's license, the vision requirements of this subdivision shall
17 have been met;

18 (4) Not have been convicted of a felony under the laws of
19 this state or under the laws of any other jurisdiction;

20 (5) Not have been convicted of a misdemeanor crime of
21 violence under the laws of this state or under the laws of any other
22 jurisdiction within the ten years immediately preceding the date of
23 application;

24 (6) Not have been found in the previous ten years to be a
25 mentally ill and dangerous person under the Nebraska Mental Health

1 Commitment Act or a similar law of another jurisdiction or not be
2 currently adjudged mentally incompetent;

3 (7)(a) Have been a resident of this state for at least
4 one hundred eighty days. For purposes of this section, resident does
5 not include an applicant who maintains a residence in another state
6 and claims that residence for voting or tax purposes except as
7 provided in subdivision (b) or (c) of this subdivision;

8 (b) If an applicant is a member of the United States
9 Armed Forces, such applicant shall be considered a resident of this
10 state for purposes of this section after he or she has been stationed
11 at a military installation in this state pursuant to permanent duty
12 station orders even though he or she maintains a residence in another
13 state and claims that residence for voting or tax purposes; or

14 (c) If an applicant is a new Nebraska resident and
15 possesses a valid permit to carry a concealed handgun issued by his
16 or her previous state of residence that is recognized by this state
17 pursuant to section 69-2448, such applicant shall be considered a
18 resident of this state for purposes of this section;

19 (8) Not have had a conviction of any law of this state
20 relating to firearms, unlawful use of a weapon, or controlled
21 substances or of any similar laws of another jurisdiction within the
22 ten years preceding the date of application. This subdivision does
23 not apply to any conviction under Chapter 37 or under any similar law
24 of another jurisdiction, except for a conviction under section
25 37-509, 37-513, or 37-522 or under any similar law of another

1 jurisdiction;

2 (9) Not be on parole, probation, house arrest, or work
3 release;

4 (10) Be a citizen of the United States; and

5 (11) Provide proof of the training required under section
6 69-2432.

7 Sec. 8. Section 69-2434, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 69-2434 (1) The design and form of the Level I permit to
10 carry a concealed handgun shall be prescribed by the Nebraska State
11 Patrol. The Level I permit to carry a concealed handgun shall list
12 the permitholder's name, the permitholder's address, and the
13 expiration date of the permit and contain a photograph of the
14 permitholder.

15 (2) The design and form of the Level II permit to carry a
16 concealed handgun in a school shall be prescribed by the Nebraska
17 State Patrol. The Level II permit to carry a concealed handgun in a
18 school shall state conspicuously the words Level II Concealed Handgun
19 Permit; state the permitholder's name; the permitholder's address;
20 the name of the school or schools giving permission to the
21 permitholder to carry a concealed handgun in such school or schools
22 as authorized under the permit; the expiration date of the permit;
23 and a photograph of the permitholder.

24 Sec. 9. Section 69-2435, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 69-2435 A permitholder shall continue to meet the
2 requirements of section 69-2433 during the time he or she holds the
3 permit, except as provided in subsection (4) of section 69-2443. If,
4 during such time, a permitholder does not continue to meet one or
5 more of the requirements, the permitholder shall return his or her
6 permit to the Nebraska State Patrol for revocation. If a permitholder
7 does not return his or her permit, the permitholder is subject to
8 having his or her permit revoked under section 69-2439.

9 Sec. 10. Section 69-2436, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 69-2436 ~~(1)~~(1)(a) A Level I permit to carry a concealed
12 handgun is valid throughout the state for a period of five years
13 after the date of issuance. The fee for issuing a permit is one
14 hundred dollars.

15 (b) A Level II permit to carry a concealed handgun in a
16 school is valid throughout the state and in the school or schools
17 listed on the permit for a period of five years after the date of
18 issuance. The fee for issuing a Level II permit to carry a concealed
19 handgun in a school is one hundred and twenty-five dollars, except
20 that the fee for issuing a Level II permit to carry a concealed
21 handgun in a school to a person who is already a holder of a current
22 and valid Level I permit to carry a concealed handgun is the same as
23 the renewal fee for a Level II permit to carry a concealed handgun in
24 a school set forth in this section.

25 ~~(2)~~(2)(a) The Nebraska State Patrol shall renew a

1 person's Level I permit to carry a concealed handgun for a renewal
2 period of five years, subject to continuing compliance with the
3 requirements of section 69-2433, except as provided in subsection (4)
4 of section 69-2443. The renewal fee is fifty dollars, and renewal may
5 be applied for up to four months before expiration of a Level I
6 permit to carry a concealed handgun.

7 (b) The Nebraska State Patrol shall renew a person's
8 Level II permit to carry a concealed handgun in a school for a
9 renewal period of five years, subject to continuing compliance with
10 the requirements of section 69-2433. The renewal fee is fifty
11 dollars, and renewal may be applied for up to four months before
12 expiration of the Level II permit to carry a concealed handgun in a
13 school.

14 (3) The applicant shall submit the fee with the
15 application to the Nebraska State Patrol. The fee shall be remitted
16 to the State Treasurer for credit to the Nebraska State Patrol Cash
17 Fund.

18 ~~(4) On or before June 30, 2007, the Nebraska State Patrol~~
19 ~~shall journal entry, as necessary, all current fiscal year expenses~~
20 ~~and revenue, including investment income, from the Public Safety Cash~~
21 ~~Fund under the Concealed Handgun Permit Act and recode them against~~
22 ~~the Nebraska State Patrol Cash Fund and its program appropriation.~~

23 Sec. 11. Section 69-2437, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 69-2437 A Level I permit to carry a concealed handgun or

1 a Level II permit to carry a concealed handgun in a school shall be
2 issued to a specific individual only and shall not be transferred
3 from one person to another.

4 Sec. 12. Section 69-2438, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 69-2438 The Nebraska State Patrol or any agent, employee,
7 or member thereof is not civilly liable to any injured person or his
8 or her estate for any injury suffered, including any action for
9 wrongful death or property damage suffered, relating to the issuance
10 or revocation of a Level I permit to carry a concealed handgun or a
11 Level II permit to carry a concealed handgun in a school issued
12 pursuant to the Concealed Handgun Permit Act.

13 Sec. 13. Section 69-2439, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 69-2439 (1) Any peace officer having probable cause to
16 believe that a permitholder is no longer in compliance with one or
17 more requirements of section 69-2433, except as provided in
18 subsection (4) of section 69-2443, shall bring an application for
19 revocation of the permit to be prosecuted as provided in subsection
20 (2) of this section.

21 (2) It is the duty of the county attorney or his or her
22 deputy of the county in which such permitholder resides to prosecute
23 a case for the revocation of a permit ~~to carry a concealed handgun~~
24 brought pursuant to subsection (1) of this section. In case the
25 county attorney refuses or is unable to prosecute the case, the duty

1 to prosecute shall be upon the Attorney General or his or her
2 assistant.

3 (3) The case shall be prosecuted as a civil case, and the
4 permit shall be revoked upon a showing by a preponderance of the
5 evidence that the permitholder does not meet one or more of the
6 requirements of section 69-2433, except as provided in subsection (4)
7 of section 69-2443.

8 (4) A person who has his or her permit revoked under this
9 section may be fined up to one thousand dollars and shall be charged
10 with the costs of the prosecution. The money collected under this
11 subsection as an administrative fine shall be remitted to the State
12 Treasurer for distribution in accordance with Article VII, section 5,
13 of the Constitution of Nebraska.

14 Sec. 14. Section 69-2440, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 69-2440 (1) A permitholder shall carry his or her Level I
17 permit to carry a concealed handgun or Level II permit to carry a
18 concealed handgun in a school and his or her Nebraska driver's
19 license, Nebraska-issued state identification card, or military
20 identification card any time he or she carries a concealed handgun.
21 The permitholder shall display ~~both the~~ his or her Level I permit to
22 carry a concealed handgun or Level II permit to carry a concealed
23 handgun in a school and his or her Nebraska motor vehicle operator's
24 license, Nebraska-issued state identification card, or military
25 identification card when asked to do so by a peace officer or by

1 emergency services personnel.

2 (2) Whenever a permit holder who is carrying a concealed
3 handgun is contacted by a peace officer or by emergency services
4 personnel, the permit holder shall immediately inform the peace
5 officer or emergency services personnel that the permit holder is
6 carrying a concealed handgun.

7 (3)(a) During contact with a permit holder, a peace
8 officer or emergency services personnel may secure the handgun or
9 direct that it be secured during the duration of the contact if the
10 peace officer or emergency services personnel determines that it is
11 necessary for the safety of any person present, including the peace
12 officer or emergency services personnel. The permit holder shall
13 submit to the order to secure the handgun.

14 (b)(i) When the peace officer has determined that the
15 permit holder is not a threat to the safety of any person present,
16 including the peace officer, and the permit holder has not committed
17 any other violation that would result in his or her arrest or the
18 suspension or revocation of his or her permit, the peace officer
19 shall return the handgun to the permit holder before releasing the
20 permit holder from the scene and breaking contact.

21 (ii) When emergency services personnel have determined
22 that the permit holder is not a threat to the safety of any person
23 present, including emergency services personnel, and if the
24 permit holder is physically and mentally capable of possessing the
25 handgun, the emergency services personnel shall return the handgun to

1 the permitholder before releasing the permitholder from the scene and
 2 breaking contact. If the permitholder is transported for treatment to
 3 another location, the handgun shall be turned over to any peace
 4 officer. The peace officer shall provide a receipt which includes the
 5 make, model, caliber, and serial number of the handgun.

6 (4) For purposes of this section, contact with a peace
 7 officer means any time a peace officer personally stops, detains,
 8 questions, or addresses a permitholder for an official purpose or in
 9 the course of his or her official duties, and contact with emergency
 10 services personnel means any time emergency services personnel
 11 provide treatment to a permitholder in the course of their official
 12 duties.

13 Sec. 15. Section 69-2441, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 69-2441 (1)(a) A permitholder may carry a concealed
 16 handgun anywhere in Nebraska, ~~except~~ but not in any:

17 (i) Police, sheriff, or Nebraska State Patrol station or
 18 office; ~~detention~~

19 (ii) Detention facility, prison, or jail; ~~courtroom~~

20 (iii) Courtroom or building which contains a courtroom;
 21 ~~polling~~

22 (iv) Polling place during a bona fide election; ~~meeting~~

23 (v) Meeting of the governing body of a county, public
 24 school district, municipality, or other political subdivision;
 25 ~~meeting~~

1 (vi) Meeting of the Legislature or a committee of the
2 Legislature; ~~financial~~

3 (vii) Financial institution; ~~professional~~

4 (viii) Professional or semiprofessional athletic event;
5 ~~building, grounds, vehicle, or sponsored activity or athletic event~~
6 ~~of any public, private, denominational, or parochial elementary,~~
7 ~~vocational, or secondary school, a private postsecondary career~~
8 ~~school as defined in section 85-1603, a community college, or a~~
9 ~~public or private college, junior college, or university;~~

10 (ix) Building, grounds, vehicle, or sponsored activity or
11 athletic event of any school, except as provided in subdivision (1)
12 (d) of this section; ~~place~~

13 (x) Place of worship; ~~hospital,~~

14 (xi) Hospital, emergency room, or trauma center;
15 ~~political~~

16 (xii) Political rally or fundraiser; ~~establishment~~

17 (xiii) Establishment having a license issued under the
18 Nebraska Liquor Control Act that derives over one-half of its total
19 income from the sale of alcoholic liquor; ~~place~~

20 (xiv) Place where the possession or carrying of a firearm
21 is prohibited by state or federal law; ~~a place~~

22 (xv) Place or premises where the person, persons, entity,
23 or entities in control of the property or employer in control of the
24 property has prohibited permitholders from carrying concealed
25 handguns into or onto the place or premises; ~~or into or onto any~~

1 ~~other~~

2 (xvi) Other place or premises where handguns are
3 prohibited by state law.

4 (b) A financial institution may authorize its security
5 personnel to carry concealed handguns in the financial institution
6 while on duty so long as each member of the security personnel, as
7 authorized, is in compliance with the Concealed Handgun Permit Act
8 and possesses a permit to carry a concealed handgun issued pursuant
9 to the act.

10 (c) A place of worship may authorize its security
11 personnel to carry concealed handguns on its property so long as each
12 member of the security personnel, as authorized, is in compliance
13 with the Concealed Handgun Permit Act and possesses a permit to carry
14 a concealed handgun issued pursuant to the act and written notice is
15 given to the congregation and, if the property is leased, the
16 carrying of concealed handguns on the property does not violate the
17 terms of any real property lease agreement between the place of
18 worship and the lessor.

19 (d) A governing body of a school may authorize and
20 appoint one or more employees of the school to carry a concealed
21 handgun in or on the premises of the school if each such employee is
22 in compliance with the Concealed Handgun Permit Act and possesses a
23 current and valid Level II permit to carry a concealed handgun in a
24 school and written notice of the authorization is given to the
25 students, parents, and guardians, as applicable, and, if the premises

1 are leased or rented, the carrying of a concealed handgun on the
2 premises does not violate the terms of the lease or rental agreement
3 between the school and the lessor. When appointing such employee or
4 employees to carry a concealed handgun in a school pursuant to this
5 subdivision, the governing body of the school may meet in closed
6 session to maintain the anonymity of each employee authorized to
7 carry a concealed handgun in the school.

8 (2) If a person, persons, entity, or entities in control
9 of the property or an employer in control of the property prohibits a
10 permitholder from carrying a concealed handgun into or onto the place
11 or premises and such place or premises are open to the public, a
12 permitholder does not violate this section unless the person,
13 persons, entity, or entities in control of the property or employer
14 in control of the property has posted conspicuous notice that
15 carrying a concealed handgun is prohibited in or on the place or
16 premises or has made a request, directly or through an authorized
17 representative or management personnel, that the permitholder remove
18 the concealed handgun from the place or premises.

19 (3) A permitholder carrying a concealed handgun in a
20 vehicle or on his or her person while riding in or on a vehicle into
21 or onto any parking area, which is open to the public, and used by
22 any location listed in subdivision (1)(a) of this section, does not
23 violate this section if, immediately prior to exiting or departing
24 from the vehicle, the handgun is locked inside the glove box, trunk,
25 or other compartment of the vehicle, a storage box securely attached

1 to the vehicle, or, if the vehicle is a motorcycle, a hardened
2 compartment securely attached to the motorcycle. This subsection does
3 not apply to any parking area used by such location when the carrying
4 of a concealed handgun into or onto such parking area is prohibited
5 by federal law.

6 (4) An employer may prohibit employees or other persons
7 who are permitholders from carrying concealed handguns in vehicles
8 owned by the employer.

9 (5) A permitholder shall not carry a concealed handgun
10 while he or she is consuming alcohol or while the permitholder has
11 remaining in his or her blood, urine, or breath any previously
12 consumed alcohol or any controlled substance as defined in section
13 28-401. A permitholder does not violate this subsection if the
14 controlled substance in his or her blood, urine, or breath was
15 lawfully obtained and was taken in therapeutically prescribed
16 amounts.

17 Sec. 16. Section 69-2447, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 69-2447 (1) The Department of Motor Vehicles shall modify
20 the existing system of the department to allow the status of a Level
21 I permit to carry a concealed handgun or Level II permit to carry a
22 concealed handgun in a school and the dates of issuance and
23 expiration of such permit to be recorded on the permitholder's record
24 provided for in section 60-483. The Nebraska State Patrol shall use
25 the system to record the issuance or renewal of ~~a~~the permit, ~~to~~

1 ~~carry a concealed handgun.~~ The transmission of notice of the issuance
2 or renewal of ~~such the~~ permit shall include the applicant's name, the
3 applicant's motor vehicle operator's license number or state
4 identification card number, and the dates of issuance and expiration
5 of the permit. ~~to carry a concealed handgun.~~

6 (2) An abstract of a court record of every case in which
7 a person's Level I permit to carry a concealed handgun or Level II
8 permit to carry a concealed handgun in a school is revoked shall be
9 transmitted to the Department of Motor Vehicles using the abstracting
10 system provided for in section 60-497.01. Such abstract shall contain
11 the name of the revoked permitholder, his or her motor vehicle
12 operator's license number or state identification card number, and
13 the date of revocation of the permit. ~~to carry a concealed handgun.~~

14 Sec. 17. Section 69-2448, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 69-2448 (1) A current and valid license or permit to
17 carry a concealed handgun issued by any other state or the District
18 of Columbia shall be recognized as current and valid in this state
19 under the Concealed Handgun Permit Act if ~~(1)-(a)~~ the holder of the
20 license or permit is not a resident of Nebraska and ~~(2)-(b)~~ the
21 Attorney General has determined that the standards for issuance of
22 such license or permit by such state or the District of Columbia are
23 equal to or greater than the standards imposed by the act. The
24 Attorney General shall maintain and publish a list of such states and
25 the District of Columbia which he or she has determined have

1 standards equal to or greater than the standards imposed by the act.

2 (2) This section applies only to a current and valid
3 license or permit to carry a concealed handgun issued by any other
4 state or the District of Columbia that is substantially similar to a
5 Level I permit to carry a concealed handgun issued under the
6 Concealed Handgun Permit Act and does not apply to a current and
7 valid license or permit to carry a concealed handgun in a school
8 issued by any other state or the District of Columbia that is
9 substantially similar to a Level II permit to carry a concealed
10 handgun in a school issued under the act.

11 Sec. 18. Section 69-2449, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 69-2449 The Nebraska State Patrol shall inform each
14 permitholder, upon the issuance or renewal of a permit, ~~to carry a~~
15 ~~concealed handgun,~~ that if a handgun, or other firearm, owned by such
16 permitholder is lost or stolen, the permitholder should notify his or
17 her county sheriff or local police department of that fact.

18 Sec. 19. Original sections 69-2428, 69-2429, 69-2430,
19 69-2432, 69-2434, 69-2437, 69-2438, 69-2440, 69-2441, 69-2447, and
20 69-2448, Reissue Revised Statutes of Nebraska, and sections
21 28-1204.04, 69-2431, 69-2433, 69-2435, 69-2436, 69-2439, and 69-2449,
22 Revised Statutes Cumulative Supplement, 2012, are repealed.