

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 275**

Introduced by Hansen, M., 26.

Read first time January 15, 2019

Committee:

1 A BILL FOR AN ACT relating to firearms; to amend sections 69-2402,  
2 69-2404, 69-2405, 69-2409, 69-2409.01, 69-2410, 69-2411, 69-2412,  
3 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2427, 69-2429,  
4 69-2430, 69-2436, and 69-2439, Reissue Revised Statutes of Nebraska;  
5 to define terms; to require notification when a person prohibited by  
6 state or federal law attempts to purchase, lease, rent, or receive  
7 transfer of a handgun, apply for a permit or renew a permit to carry  
8 a concealed handgun under the Concealed Handgun Permit Act, or has  
9 such a permit revoked; to eliminate an obsolete provision; to  
10 harmonize provisions; and to repeal the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2402, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 69-2402 For purposes of sections 69-2401 to 69-2425:

4 (1) Antique handgun or pistol means any handgun or pistol, including  
5 those with a matchlock, flintlock, percussion cap, or similar type of  
6 ignition system, manufactured in or before 1898 and any replica of such a  
7 handgun or pistol if such replica (a) is not designed or redesigned for  
8 using rimfire or conventional centerfire fixed ammunition or (b) uses  
9 rimfire or conventional centerfire fixed ammunition which is no longer  
10 manufactured in the United States and which is not readily available in  
11 the ordinary channels of commercial trade;

12 (2) Commission means the Nebraska Commission on Law Enforcement and  
13 Criminal Justice;

14 (3) (2) Criminal history record check includes a check of the  
15 criminal history records of the Nebraska State Patrol and a check of the  
16 Federal Bureau of Investigation's National Instant Criminal Background  
17 Check System;

18 (4) (3) Firearm-related disability means a person is not permitted  
19 to (a) purchase, possess, ship, transport, or receive a firearm under  
20 either state or federal law, (b) obtain a certificate to purchase, lease,  
21 rent, or receive transfer of a handgun under section 69-2404, or (c)  
22 obtain a permit to carry a concealed handgun under the Concealed Handgun  
23 Permit Act; and

24 (5) (4) Handgun means any firearm with a barrel less than sixteen  
25 inches in length or any firearm designed to be held and fired by the use  
26 of a single hand; and -

27 (6) Prohibited possessor means a person who is prohibited from  
28 purchasing or possessing a handgun under state or federal law.

29 Sec. 2. Section 69-2404, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 69-2404 Any person desiring to purchase, lease, rent, or receive

1 transfer of a handgun shall apply with the chief of police or sheriff of  
2 the applicant's place of residence for a certificate. The application may  
3 be made in person or by mail. The application form and certificate shall  
4 be made on forms approved by the Superintendent of Law Enforcement and  
5 Public Safety. The application shall include the applicant's full name,  
6 address, date of birth, and country of citizenship. If the applicant is  
7 not a United States citizen, the application shall include the  
8 applicant's place of birth and his or her alien or admission number. If  
9 the application is made in person, the applicant shall also present a  
10 current Nebraska motor vehicle operator's license, state identification  
11 card, or military identification card, or if the application is made by  
12 mail, the application form shall describe the license or card used for  
13 identification and be notarized by a notary public who has verified the  
14 identification of the applicant through such a license or card. An  
15 applicant shall receive a certificate if he or she is twenty-one years of  
16 age or older and is not a prohibited possessor ~~from purchasing or~~  
17 ~~possessing a handgun by 18 U.S.C. 922.~~ A fee of five dollars shall be  
18 charged for each application for a certificate to cover the cost of a  
19 criminal history record check.

20 Sec. 3. Section 69-2405, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 69-2405 Upon the receipt of an application for a certificate, the  
23 chief of police or sheriff shall issue a certificate or deny a  
24 certificate and furnish the applicant the specific reasons for the denial  
25 in writing. The chief of police or sheriff shall be permitted up to three  
26 days in which to conduct an investigation to determine whether the  
27 applicant is a prohibited possessor ~~by law from purchasing or possessing~~  
28 ~~a handgun~~. If the certificate or denial is mailed to the applicant, it  
29 shall be mailed to the applicant's address by first-class mail within the  
30 three-day period. If it is determined that the purchase or possession of  
31 a handgun by the applicant would be in violation of applicable federal,

1 state, or local law, the chief of police or sheriff shall deny the  
2 certificate and notify the commission pursuant to section 4 of this act.  
3 In computing the three-day period, the day of receipt of the application  
4 shall not be included and the last day of the three-day period shall be  
5 included. The three-day period shall expire at 11:59 p.m. of the third  
6 day unless it is a Saturday, Sunday, or legal holiday in which event the  
7 period shall run until 11:59 p.m. of the next day which is not a  
8 Saturday, Sunday, or legal holiday. No later than the end of the three-  
9 day period the chief of police or sheriff shall issue or deny such  
10 certificate and, if the certificate is denied, furnish the applicant the  
11 specific reasons for denial in writing and notify the commission pursuant  
12 to section 4 of this act. No civil liability shall arise to any law  
13 enforcement agency if such law enforcement agency complies with sections  
14 69-2401, 69-2403 to 69-2408 and section 4 of this act, and 69-2409.01.

15 Sec. 4. Upon issuing a denial under section 69-2405, the chief of  
16 police or sheriff shall electronically send a copy of the application  
17 under section 69-2404 and a notification of denial to the commission. The  
18 notification shall include the identity of the prohibited possessor, the  
19 date and time of the determination that the person was a prohibited  
20 possessor, and the grounds for such determination. The notification shall  
21 be sent in a form and manner prescribed by the commission.

22 Sec. 5. Section 69-2409, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 69-2409 (1) It is the intent of the Legislature that the Nebraska  
25 State Patrol implement an expedited program of upgrading Nebraska's  
26 automated criminal history files to be utilized for, among other law  
27 enforcement purposes, an instant criminal history record check on handgun  
28 purchasers when buying a handgun from a licensed importer, manufacturer,  
29 or dealer so that such instant criminal history record check may be  
30 implemented as soon as possible on or after January 1, 1995.

31 (2) The patrol's automated arrest and conviction records shall be

1 reviewed annually by the Superintendent of Law Enforcement and Public  
2 Safety who shall report the status of such records within thirty days of  
3 such review to the Governor and the Clerk of the Legislature. The report  
4 submitted to the Clerk of the Legislature shall be submitted  
5 electronically. The instant criminal history record check system shall be  
6 implemented by the patrol on or after January 1, 1995, when, as  
7 determined by the Superintendent of Law Enforcement and Public Safety,  
8 eighty-five percent of the Nebraska arrest and conviction records since  
9 January 1, 1965, available to the patrol are included in the patrol's  
10 automated system. Not less than thirty days prior to implementation and  
11 enforcement of the instant check system, the patrol shall send written  
12 notice to all licensed importers, manufacturers, and dealers outlining  
13 the procedures and toll-free number described in sections 69-2410 to  
14 69-2423.

15 (3) Upon implementation of the instant criminal history record check  
16 system, a person who desires to purchase, lease, rent, or receive  
17 transfer of a handgun from a licensed importer, manufacturer, or dealer  
18 may elect to obtain such handgun either under sections 69-2401, 69-2403  
19 to 69-2408 and section 4 of this act, and 69-2409.01 or under sections  
20 69-2409.01 and 69-2410 to 69-2423.

21 Sec. 6. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 69-2409.01 (1) For purposes of sections 69-2401 to 69-2425 and  
24 section 4 of this act, the Nebraska State Patrol shall be furnished with  
25 only such information as may be necessary for the sole purpose of  
26 determining whether an individual is disqualified from purchasing or  
27 possessing a handgun pursuant to state law or is subject to the  
28 disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information  
29 shall be furnished by the Department of Health and Human Services. The  
30 clerks of the various courts shall furnish to the Department of Health  
31 and Human Services and Nebraska State Patrol, as soon as practicable but

1 within thirty days after an order of commitment or discharge is issued or  
2 after removal of firearm-related disabilities pursuant to section 71-963,  
3 all information necessary to set up and maintain the data base required  
4 by this section. This information shall include (a) information regarding  
5 those persons who are currently receiving mental health treatment  
6 pursuant to a commitment order of a mental health board or who have been  
7 discharged, (b) information regarding those persons who have been  
8 committed to treatment pursuant to section 29-3702, and (c) information  
9 regarding those persons who have had firearm-related disabilities removed  
10 pursuant to section 71-963. The mental health board shall notify the  
11 Department of Health and Human Services and the Nebraska State Patrol  
12 when such disabilities have been removed. The Department of Health and  
13 Human Services shall also maintain in the data base a listing of persons  
14 committed to treatment pursuant to section 29-3702. To ensure the  
15 accuracy of the data base, any information maintained or disclosed under  
16 this subsection shall be updated, corrected, modified, or removed, as  
17 appropriate, and as soon as practicable, from any data base that the  
18 state or federal government maintains and makes available to the National  
19 Instant Criminal Background Check System. The procedures for furnishing  
20 the information shall guarantee that no information is released beyond  
21 what is necessary for purposes of this section.

22 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408,  
23 section 4 of this act, and this section, the Nebraska State Patrol shall  
24 provide to the chief of police or sheriff of an applicant's place of  
25 residence or a licensee in the process of a criminal history record check  
26 pursuant to section 69-2411 only the information regarding whether or not  
27 the applicant is a prohibited possessor ~~disqualified from purchasing or~~  
28 ~~possessing a handgun~~.

29 (3) Any person, agency, or mental health board participating in good  
30 faith in the reporting or disclosure of records and communications under  
31 this section is immune from any liability, civil, criminal, or otherwise,

1 that might result by reason of the action.

2 (4) Any person who intentionally causes the Nebraska State Patrol to  
3 request information pursuant to this section without reasonable belief  
4 that the named individual has submitted a written application under  
5 section 69-2404 or has completed a consent form under section 69-2410  
6 shall be guilty of a Class II misdemeanor in addition to other civil or  
7 criminal liability under state or federal law.

8 (5) The Nebraska State Patrol and the Department of Health and Human  
9 Services shall report electronically to the Clerk of the Legislature on a  
10 biannual basis the following information about the data base: (a) The  
11 number of total records of persons unable to purchase or possess firearms  
12 because of disqualification or disability shared with the National  
13 Instant Criminal Background Check System; (b) the number of shared  
14 records by category of such persons; (c) the change in number of total  
15 shared records and change in number of records by category from the  
16 previous six months; (d) the number of records existing but not able to  
17 be shared with the National Instant Criminal Background Check System  
18 because the record was incomplete and unable to be accepted by the  
19 National Instant Criminal Background Check System; and (e) the number of  
20 hours or days, if any, during which the data base was unable to share  
21 records with the National Instant Criminal Background Check System and  
22 the reason for such inability. The report shall also be published on the  
23 web sites of the Nebraska State Patrol and the Department of Health and  
24 Human Services.

25 Sec. 7. Section 69-2410, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18  
28 U.S.C. 923 shall sell or deliver any handgun to another person other than  
29 a licensed importer, manufacturer, dealer, or collector until he or she  
30 has:

31 (1)(a) Inspected a valid certificate issued to such person pursuant

1 to sections 69-2401, 69-2403 to 69-2408 and section 4 of this act, and  
2 69-2409.01; and

3 (b) Inspected a valid identification containing a photograph of such  
4 person which appropriately and completely identifies such person; or

5 (2)(a) Obtained a completed consent form from the potential buyer or  
6 transferee, which form shall be established by the Nebraska State Patrol  
7 and provided by the licensed importer, manufacturer, or dealer. The form  
8 shall include the name, address, date of birth, gender, race, and country  
9 of citizenship of such potential buyer or transferee. If the potential  
10 buyer or transferee is not a United States citizen, the completed consent  
11 form shall contain the potential buyer's or transferee's place of birth  
12 and his or her alien or admission number;

13 (b) Inspected a valid identification containing a photograph of the  
14 potential buyer or transferee which appropriately and completely  
15 identifies such person;

16 (c) Requested by toll-free telephone call or other electromagnetic  
17 communication that the Nebraska State Patrol conduct a criminal history  
18 record check; and

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

21 Sec. 8. Section 69-2411, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 69-2411 (1) Upon receipt of a request for a criminal history record  
24 check, the Nebraska State Patrol shall as soon as possible during the  
25 licensee's telephone call or by return telephone call:

26 (a) Check its criminal history records and check the Federal Bureau  
27 of Investigation's National Instant Criminal Background Check System to  
28 determine if the potential buyer or transferee is a prohibited possessor  
29 ~~from receipt or possession of a handgun pursuant to state or federal law;~~  
30 and

31 (b) Either (i) inform the licensee that its records demonstrate that

1 the potential buyer or transferee is a prohibited possessor ~~from receipt~~  
2 ~~or possession of a handgun~~ or (ii) provide the licensee with a unique  
3 approval number.

4 (2) In the event of electronic failure or similar emergency beyond  
5 the control of the Nebraska State Patrol, the patrol shall immediately  
6 notify a requesting licensee of the reason for and estimated length of  
7 such delay. In any event, no later than the end of the next business day  
8 the Nebraska State Patrol shall either (a) inform the licensee that its  
9 records demonstrate that the potential buyer or transferee is a  
10 prohibited possessor ~~from receipt or possession of a handgun~~ or (b)  
11 provide the licensee with a unique approval number. If the licensee is  
12 not informed by the end of the next business day that the potential buyer  
13 is a prohibited possessor ~~from receipt or possession of a handgun~~, and  
14 regardless of whether the unique approval number has been received, the  
15 licensee may complete the sale or delivery and shall not be deemed to be  
16 in violation of sections 69-2410 to 69-2423 with respect to such sale or  
17 delivery.

18 (3) A fee of three dollars shall be charged for each request of a  
19 criminal history record check required pursuant to section 69-2410, which  
20 amount shall be transmitted monthly to the Nebraska State Patrol. Such  
21 amount shall be for the purpose of covering the costs of the criminal  
22 history record check.

23 Sec. 9. Section 69-2412, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 69-2412 (1) Any records which are created by the Nebraska State  
26 Patrol to conduct the criminal history record check containing any of the  
27 information set forth in subdivision (2)(a) of section 69-2410 pertaining  
28 to a potential buyer or transferee who is not a prohibited possessor ~~from~~  
29 ~~receipt or transfer of a handgun by reason of state or federal law~~ shall  
30 be confidential and may not be disclosed by the patrol or any officer or  
31 employee thereof to any person. The Nebraska State Patrol shall destroy

1 any such records as soon as possible after communicating the unique  
2 approval number, and in any event, such records shall be destroyed within  
3 forty-eight hours after the date of receipt of the licensee's request.

4 (2) Notwithstanding the provisions of this section, the Nebraska  
5 State Patrol shall only maintain a log of dates of requests for criminal  
6 history record checks and unique approval numbers corresponding to such  
7 dates for not to exceed one year.

8 (3) Nothing in this section shall be construed to allow the state to  
9 maintain records containing the names of licensees who receive unique  
10 approval numbers or to maintain records of handgun transactions,  
11 including the names or other identification of licensees and potential  
12 buyers or transferees including persons who are not otherwise prohibited  
13 possessors by law from the receipt or possession of handguns.

14 Sec. 10. Section 69-2414, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 69-2414 Any person who is denied the right to purchase or receive a  
17 handgun as a result of procedures established by sections 69-2410 to  
18 69-2423 may request amendment of the record pertaining to him or her by  
19 petitioning the Nebraska State Patrol. If the Nebraska State Patrol fails  
20 to amend the record within seven days, the person requesting the  
21 amendment may petition the county court of the county in which he or she  
22 resides for an order directing the patrol to amend the record. If the  
23 person proves by a preponderance of the evidence that the record should  
24 be amended, the court shall order the record be amended. If the record  
25 demonstrates that such person is not a prohibited possessor from receipt  
26 or possession of a handgun by state or federal law, the Nebraska State  
27 Patrol shall destroy any records it maintains which contain any  
28 information derived from the criminal history record check.

29 Sec. 11. Section 69-2421, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 69-2421 Any licensed importer, manufacturer, or dealer who knowingly

1 and intentionally sells or delivers a handgun in violation of sections  
2 69-2401 to 69-2425 and section 4 of this act shall be guilty of a Class  
3 IV felony.

4 Sec. 12. Section 69-2422, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 69-2422 For purposes of sections 69-2401 to 69-2425 and section 4 of  
7 this act, any person who knowingly and intentionally obtains a handgun  
8 for the purposes of transferring it to a ~~person who is prohibited~~  
9 ~~possessor from receipt or possession of a handgun by state or federal law~~  
10 shall be guilty of a Class IV felony.

11 Sec. 13. Section 69-2424, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 69-2424 The Nebraska State Patrol shall adopt and promulgate rules  
14 and regulations to carry out sections 69-2401 to 69-2425 and section 4 of  
15 this act.

16 Sec. 14. Section 69-2425, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 69-2425 Any city or village ordinance existing on September 6, 1991,  
19 shall not be preempted by sections 69-2401 to 69-2425 and section 4 of  
20 this act.

21 Sec. 15. Section 69-2427, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 69-2427 Sections 69-2427 to 69-2449 and section 20 of this act shall  
24 be known and may be cited as the Concealed Handgun Permit Act.

25 Sec. 16. Section 69-2429, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 69-2429 For purposes of the Concealed Handgun Permit Act:

28 (1) Commission means the Nebraska Commission on Law Enforcement and  
29 Criminal Justice;

30 (2) (1) Concealed handgun means the handgun is totally hidden from  
31 view. If any part of the handgun is capable of being seen, it is not a

1 concealed handgun;

2       (3) (2) Emergency services personnel means a volunteer or paid  
3 firefighter or rescue squad member or a person licensed to provide  
4 emergency medical services pursuant to the Emergency Medical Services  
5 Practice Act or authorized to provide emergency medical services pursuant  
6 to the EMS Personnel Licensure Interstate Compact;

7       (4) (3) Handgun means any firearm with a barrel less than sixteen  
8 inches in length or any firearm designed to be held and fired by the use  
9 of a single hand;

10       (5) (4) Peace officer means any town marshal, chief of police or  
11 local police officer, sheriff or deputy sheriff, the Superintendent of  
12 Law Enforcement and Public Safety, any officer of the Nebraska State  
13 Patrol, any member of the National Guard on active service by direction  
14 of the Governor during periods of emergency or civil disorder, any Game  
15 and Parks Commission conservation officer, and all other persons with  
16 similar authority to make arrests;

17       (6) (5) Permitholder means an individual holding a current and valid  
18 permit to carry a concealed handgun issued pursuant to the Concealed  
19 Handgun Permit Act; ~~and~~

20       (7) Prohibited possessor means a person who is prohibited from  
21 purchasing or possessing a handgun under state or federal law; and

22       (8) (6) Proof of training means an original document or certified  
23 copy of a document, supplied by an applicant, that certifies that he or  
24 she either:

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

28       (b) Is a member of the active or reserve armed forces of the United  
29 States or a member of the National Guard and has had handgun training  
30 within the previous three years which meets the minimum safety and  
31 training requirements of section 69-2432.

1           Sec. 17. Section 69-2430, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           69-2430 (1) Application for a permit to carry a concealed handgun  
4 shall be made in person at any Nebraska State Patrol Troop Headquarters  
5 or office provided by the patrol for purposes of accepting such an  
6 application. The applicant shall present a current Nebraska motor vehicle  
7 operator's license, Nebraska-issued state identification card, or  
8 military identification card and shall submit two legible sets of  
9 fingerprints for a criminal history record information check pursuant to  
10 section 69-2431. The application shall be made on a form prescribed by  
11 the Superintendent of Law Enforcement and Public Safety. The application  
12 shall state the applicant's full name, motor vehicle operator's license  
13 number or state identification card number, address, and date of birth  
14 and contain the applicant's signature and shall include space for the  
15 applicant to affirm that he or she meets each and every one of the  
16 requirements set forth in section 69-2433. The applicant shall attach to  
17 the application proof of training and proof of vision as required in  
18 subdivision (3) of section 69-2433.

19           (2) A person applying for a permit to carry a concealed handgun who  
20 gives false information or offers false evidence of his or her identity  
21 is guilty of a Class IV felony.

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

27           (3) The Nebraska State Patrol shall issue a ~~(b) Beginning January 1,~~  
28 ~~2010, the permit to carry a concealed handgun shall be issued by the~~  
29 ~~Nebraska State Patrol~~ within forty-five days after the date an  
30 application for the permit has been made by the applicant if the  
31 applicant has complied with this section and has met all the requirements

1 of section 69-2433.

2 (4) An applicant denied a permit to carry a concealed handgun may  
3 appeal to the district court of the judicial district of the county in  
4 which he or she resides or the county in which he or she applied for the  
5 permit pursuant to the Administrative Procedure Act.

6 (5) If the Nebraska State Patrol denies an application for a permit  
7 because the applicant is a prohibited possessor, the patrol shall, upon  
8 issuing such denial, electronically send a notification of prohibited  
9 possessor to the commission pursuant to section 20 of this act.

10 Sec. 18. Section 69-2436, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

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

15 (2) The Nebraska State Patrol shall renew a person's permit to carry  
16 a concealed handgun for a renewal period of five years, subject to  
17 continuing compliance with the requirements of section 69-2433, except as  
18 provided in subsection (4) of section 69-2443. The renewal fee is fifty  
19 dollars, and renewal may be applied for up to four months before  
20 expiration of a permit to carry a concealed handgun.

21 (3) The applicant shall submit the fee with the application to the  
22 Nebraska State Patrol. The fee shall be remitted to the State Treasurer  
23 for credit to the Nebraska State Patrol Cash Fund.

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

29 (5) If the Nebraska State Patrol denies an application for a renewal  
30 because the applicant is a prohibited possessor, the patrol shall, upon  
31 issuing such denial, electronically send a notification of prohibited

1 possessor to the commission pursuant to section 20 of this act.

2       Sec. 19. Section 69-2439, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       69-2439 (1) Any peace officer having probable cause to believe that  
5 a permitholder is no longer in compliance with one or more requirements  
6 of section 69-2433, except as provided in subsection (4) of section  
7 69-2443, shall bring an application for revocation of the permit to be  
8 prosecuted as provided in subsection (2) of this section and, if the  
9 peace officer has probable cause to believe the permitholder is a  
10 prohibited possessor, electronically send a notification of prohibited  
11 possessor to the commission pursuant to section 20 of this act.

12       (2) It is the duty of the county attorney or his or her deputy of  
13 the county in which such permitholder resides to prosecute a case for the  
14 revocation of a permit to carry a concealed handgun brought pursuant to  
15 subsection (1) of this section. In case the county attorney refuses or is  
16 unable to prosecute the case, the duty to prosecute shall be upon the  
17 Attorney General or his or her assistant.

18       (3) The case shall be prosecuted as a civil case, and the permit  
19 shall be revoked upon a showing by a preponderance of the evidence that  
20 the permitholder does not meet one or more of the requirements of section  
21 69-2433, except as provided in subsection (4) of section 69-2443.

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

28       (5) If a permit is revoked under subsection (3) of this section  
29 because the permitholder is found to be a prohibited possessor, the  
30 attorney who prosecuted the case shall electronically send a notification  
31 of prohibited possessor to the commission pursuant to section 20 of this

1 act. If the county attorney refused or was unable to prosecute the case,  
2 the Attorney General shall report such fact to the commission, along with  
3 any explanation for why the county attorney refused or was unable to  
4 prosecute the case.

5       Sec. 20. A notification of prohibited possessor that is required  
6 under section 69-2430, 69-2436, or 69-2439 shall be sent in a form and in  
7 a manner prescribed by the commission. The notification shall include the  
8 identity of the prohibited possessor, the date and time of the  
9 determination that the person was a prohibited possessor, the grounds for  
10 such determination, a copy of the person's application under section  
11 69-2430, any application for renewal under section 69-2436, a copy of any  
12 relevant orders, judgments, or filings from any proceeding under section  
13 69-2439, and any other information deemed relevant by the commission.

14       Sec. 21. Original sections 69-2402, 69-2404, 69-2405, 69-2409,  
15 69-2409.01, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422,  
16 69-2424, 69-2425, 69-2427, 69-2429, 69-2430, 69-2436, and 69-2439,  
17 Reissue Revised Statutes of Nebraska, are repealed.