

## LEGISLATIVE BILL 77

Approved by the Governor April 25, 2023

Introduced by Brewer, 43; Aguilar, 35; Albrecht, 17; Ballard, 21; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Sanders, 45; Slama, 1.

A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, 18-1703, 28-1205, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1202, 28-1351, 28-1354, and 69-2436, Revised Statutes Cumulative Supplement, 2022; to prohibit regulation of weapons by cities, villages, and counties; to provide for the carrying of a concealed handgun without a permit; to change provisions relating to other concealed weapons; to provide for requirements, limits, and offenses relating to carrying a concealed handgun; to provide an affirmative defense; to create the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor; to change provisions of the Concealed Handgun Permit Act; to provide penalties; to change, provide, and eliminate definitions; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 18-1703, Reissue Revised Statutes of Nebraska, is amended to read:

~~18-1703~~ (1) The Legislature finds and declares that the regulation of the ownership, possession, storage, transportation, sale, and transfer of firearms and other weapons is a matter of statewide concern.

(2) Notwithstanding the provisions of any home rule charter, counties, cities, and villages shall not have the power to:

(a) Regulate the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons, except as expressly provided by state law; or

(b) Require registration of firearms or other weapons.

(3) Any county, city, or village ordinance, permit, or regulation in violation of subsection (2) of this section is declared to be null and void.

~~Cities and villages shall not have the power to regulate the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the Concealed Handgun Permit Act, except as expressly provided by state law, and shall not have the power to require registration of a concealed handgun owned, possessed, or transported by a permit holder under the act. Any existing city or village ordinance, permit, or regulation regulating the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the act, except as expressly provided under state law, and any existing city or village ordinance, permit, or regulation requiring the registration of a concealed handgun owned, possessed, or transported by a permit holder under the act, is declared to be null and void as against any permit holder possessing a valid permit under the act.~~

Sec. 2. Section 14-102, Reissue Revised Statutes of Nebraska, is amended to read:

14-102 In addition to the powers granted in section 14-101, cities of the metropolitan class shall have power by ordinance:

(1) To levy any tax or special assessment authorized by law;

(2) To provide a corporate seal for the use of the city, and also any official seal for the use of any officer, board, or agent of the city, whose duties require an official seal to be used. Such corporate seal shall be used in the execution of municipal bonds, warrants, conveyances, and other instruments and proceedings as required by law;

(3) To provide all needful rules and regulations for the protection and preservation of health within the city, including providing for the enforcement of the use of water from public water supplies when the use of water from other sources shall be deemed unsafe;

(4) To appropriate money and provide for the payment of debts and expenses of the city;

(5) To adopt all such measures as may be deemed necessary for the accommodation and protection of strangers and the traveling public in person and property;

(6) To punish and prevent the carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act, and the discharge of firearms, fireworks, or explosives of any description within the city, other than the discharge of firearms at a shooting range pursuant to the Nebraska Shooting Range Protection Act;

(7) To regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables, and all other provisions or articles of food exposed or

offered for sale in the city;

(8) To require all elected or appointed officers to give bond and security for the faithful performance of their duties, except that no officer shall become bonded and secured upon the official bond of another or upon any bond executed to the city;

(9) To require from any officer of the city at any time a report, in detail, of the transactions of his or her office or any matter connected with such office;

(10) To provide for the prevention of cruelty to children and animals;

(11) To regulate, license, or prohibit the running at large of dogs and other animals within the city as well as in areas within the extraterritorial zoning jurisdiction of the city; to guard against injuries or annoyance from such dogs and other animals; and to authorize the destruction of such dogs and other animals when running at large contrary to the provisions of any ordinance. Any licensing provision shall comply with subsection (2) of section 54-603 for service animals;

(12) To provide for keeping sidewalks clean and free from obstructions and accumulations; to provide for the assessment and collection of taxes on real estate and for the sale and conveyance thereof; and to pay the expenses of keeping the sidewalk adjacent to such real estate clean and free from obstructions and accumulations as provided by law;

(13) To provide for the planting and protection of shade or ornamental and useful trees upon streets or boulevards; to assess the cost of such trees to the extent of benefits upon the abutting property as a special assessment; to provide for the protection of birds and animals and their nests; to provide for the trimming of trees located upon streets and boulevards or when the branches of trees overhang streets and boulevards when in the judgment of the mayor and city council such trimming is made necessary to properly light such street or boulevard or to furnish proper police protection; and to assess the cost of such trimming upon the abutting property as a special assessment;

(14) To provide for, regulate, and require the numbering or renumbering of houses along public streets or avenues; and to care for and control and to name and rename streets, avenues, parks, and squares within the city;

(15) To require weeds and worthless vegetation growing upon any lot or piece of ground within the city or its extraterritorial zoning jurisdiction to be cut and destroyed so as to abate any nuisance occasioned by such vegetation; to prohibit and control the throwing, depositing, or accumulation of litter on any lot or piece of ground within the city or its extraterritorial zoning jurisdiction; to require the removal of such litter so as to abate any nuisance occasioned thereby. If the owner fails to cut and destroy weeds and worthless vegetation or remove litter, or both, after notice as required by ordinance, the city may assess the cost of such destruction or removal upon the lots or lands as a special assessment. The required notice may be by publication in the official newspaper of the city and may be directed in general terms to the owners of lots and lands affected without naming such owners;

(16) To prohibit and regulate the running at large or the herding or driving of domestic animals, such as hogs, cattle, horses, sheep, goats, fowls, or animals of any kind or description within the corporate limits; to provide for the impounding of all animals running at large, herded, or driven contrary to such prohibition and regulations; and to provide for the forfeiture and sale of animals impounded to pay the expense of taking up, caring for, and selling such impounded animals, including the cost of advertising and fees of officers;

(17) To regulate the transportation of articles through the streets and to prevent injuries to the streets from overloaded vehicles;

(18) To prevent or regulate any amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks; and to regulate the use of vehicles propelled by steam, gas, electricity, or other motive power, operated on the streets of the city;

(19) To regulate or prohibit the transportation and keeping of gunpowder, oils, and other combustible and explosive articles;

(20) To regulate, license, or prohibit the sale of domestic animals or of goods, wares, and merchandise at public auction on the streets, alleys, highways, or any public ground within the city;

(21) To regulate and prevent the use of streets, sidewalks, and public grounds for signs, posts, awnings, awning posts, scales, or other like purposes; and to regulate and prohibit the exhibition or carrying or conveying of banners, placards, advertisements, or the distribution or posting of advertisements or handbills in the streets or public grounds or upon the sidewalks;

(22) To provide for the punishment of persons disturbing the peace by noise, intoxication, drunkenness, or fighting, or otherwise violating the public peace by indecent or disorderly conduct or by lewd and lascivious behavior;

(23) To provide for the punishment of vagrants, tramps, street beggars, prostitutes, disturbers of the peace, pickpockets, gamblers, burglars, thieves, persons who practice any game, trick, or device with intent to swindle, and trespassers upon private property;

(24) To prohibit, restrain, and suppress houses of prostitution, opium joints, gambling houses, prize fighting, dog fighting, cock fighting, and other disorderly houses and practices, all games and gambling, and all kinds of indecencies; to regulate and license or prohibit the keeping and use of billiard tables, bowling alleys, shooting galleries except as provided in the Nebraska Shooting Range Protection Act, and other similar places of amusement;

and to prohibit and suppress all lotteries and gift enterprises of all kinds under whatsoever name carried on, except that nothing in this subdivision shall be construed to apply to bingo, lotteries, lotteries by the sale of pickle cards, or raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

(25) To make and enforce all police regulations for the good government, general welfare, health, safety, and security of the city and the citizens of the city in addition to the police powers expressly granted by law; in the exercise of the police power, to pass all needful and proper ordinances and impose fines, forfeitures, and penalties for the violation of any ordinance; to provide for the recovery, collection, and enforcement of such fines; and in default of payment to provide for confinement in the city or county prison or other place of confinement as may be provided by ordinance;

(26) To prevent immoderate driving on the street;

(27) To establish and maintain public libraries, art galleries, and museums and to provide the necessary grounds or buildings for such libraries, galleries, and museums; to purchase books, papers, maps, manuscripts, works of art, and objects of natural or of scientific curiosity and instruction for such libraries, galleries, and museums; to receive donations and bequests of money or property for such libraries, galleries, and museums in trust or otherwise; and to pass necessary bylaws and regulations for the protection and government of such libraries, art galleries, and museums;

(28) To erect, designate, establish, maintain, and regulate hospitals, houses of correction, jails, station houses, fire engine houses, asphalt repair plants, and other necessary buildings; to erect, designate, establish, maintain, and regulate plants for the removal, disposal, or recycling of garbage and refuse or to make contracts for garbage and refuse removal, disposal, or recycling, or all of the same; and to charge equitable fees for such removal, disposal, or recycling, or all of the same, except as provided by law. The fees collected pursuant to this subdivision shall be credited to a single fund to be used exclusively by the city for the removal, disposal, or recycling of garbage and refuse, or all of the same, including any costs incurred for collecting the fee. Before any contract for such removal, disposal, or recycling is let, the city council shall make specifications for such contract, bids shall be advertised for as now provided by law, and the contract shall be let to the lowest and best bidder, who shall furnish bond to the city conditioned upon his or her carrying out the terms of the contract, the bond to be approved by the city council. Nothing in this section, and no contract or regulation made by the city council, shall be so construed as to prohibit any person, firm, or corporation engaged in any business in which garbage or refuse accumulates as a byproduct from selling, recycling, or otherwise disposing of his, her, or its garbage or refuse or hauling such garbage or refuse through the streets and alleys under such uniform and reasonable regulations as the city council may by ordinance prescribe for the removal and hauling of garbage or refuse;

(29) To erect and establish market houses and market places and to provide for the erection of all other useful and necessary buildings for the use of the city and for the protection and safety of all property owned by the city. Such market houses, market places, and buildings may be located on any street, alley, or public ground or on land purchased for such purpose;

(30) To prohibit the establishment of additional cemeteries within the limits of the city; to regulate the registration of births and deaths; to direct the keeping and returning of bills of mortality; and to impose penalties on physicians, sextons, and others for any default in the premises;

(31) To provide for the inspection of steam boilers, electric light appliances, pipefittings, and plumbings; to regulate their erection and construction; to appoint inspectors; and to declare their powers and duties, except as otherwise provided by law;

(32) To enact a fire code and regulate the erection of all buildings and other structures within the corporate limits; to provide for the removal of any buildings or structures or additions to buildings or structures erected contrary to such code or regulations and to provide for the removal of dangerous buildings; but no such code or regulation shall be suspended or modified by resolution, nor shall exceptions be made by ordinance or resolution in favor of any person, firm, or corporation or concerning any particular lot or building; to direct that when any building has been damaged by fire, decay, or otherwise, to the extent of fifty percent of the value of a similar new building above the foundation, shall be torn down or removed; to prescribe the manner of ascertaining such damages and to assess the cost of removal of any building erected or existing contrary to such code or regulations against the lot or real estate upon which such building or structure is located or shall be erected or to collect such costs from the owner of any such building or structure; and to enforce the collection of such costs by civil action in any court of competent jurisdiction;

(33) To regulate the construction, use, and maintenance of party walls, to prescribe and regulate the thickness, strength, and manner of constructing stone, brick, wood, or other buildings and the size and shape of brick and other material placed in such buildings; to prescribe and regulate the construction and arrangement of fire escapes and the placing of iron and metallic shutters and doors in or on such fire escapes; to provide for the inspection of elevators; to prescribe, regulate, and provide for the inspection of all plumbing, pipefitting, or sewer connections in all houses or buildings

now or hereafter erected; to regulate the size, number, and manner of construction of halls, doors, stairways, seats, aisles, and passageways of theaters and buildings of a public character, whether now built or hereafter to be built, so that there may be convenient, safe, and speedy exit in case of fire; to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and heating appliances used in or about any building and to cause such appliances to be removed or placed in safe condition when they are considered dangerous; to prevent the deposit of ashes in unsafe places and to cause such buildings and enclosures as may be in a dangerous state to be put in a safe condition; to prevent the disposing of and delivery or use in any building or other structure of unsuitable building material within the city limits and provide for the inspection of building materials; to provide for the abatement of dense volumes of smoke; to regulate the construction of areaways, stairways, and vaults and to regulate partition fences; and to enforce proper heating and ventilation of buildings used for schools or other buildings where large numbers of persons are liable to congregate;

(34) To regulate levees, depots and depot grounds, and places for storing freight and goods and to provide for and regulate the laying of tracks and the passage of railways through the streets, alleys, and public grounds of the city;

(35) To require the lighting of any railway within the city and to fix and determine the number, size, and style of all fixtures and apparatus necessary for such lighting and the points of location for such lampposts. If any company owning or operating such railways shall fail to comply with such requirements, the city council may cause such lighting to be done and may assess the expense of such lighting against such company. Such expense shall constitute a lien upon any real estate belonging to such company and lying within such city and may be collected in the same manner as taxes for general purposes;

(36) To provide for necessary publicity and to appropriate money for the purpose of advertising the resources and advantages of the city;

(37) To erect, establish, and maintain offstreet parking areas on publicly owned property located beneath any elevated segment of the National System of Interstate and Defense Highways or portion thereof, or public property title to which is in the city on May 12, 1971, or property owned by the city and used in conjunction with and incidental to city-operated facilities; and to regulate parking on such property by time limitation devices or by lease;

(38) To acquire, by the exercise of the power of eminent domain or otherwise, lease, purchase, construct, own, maintain, operate, or contract for the operation of public passenger transportation systems, excluding taxicabs, transportation network companies and railroad systems, including all property and facilities required for such public passenger transportation systems, within and without the limits of the city; to redeem such property from prior encumbrance in order to protect or preserve the interest of the city in such property; to exercise all powers granted by the Constitution of Nebraska and laws of the State of Nebraska or exercised by or pursuant to a home rule charter adopted pursuant thereto, including, but not limited to, receiving and accepting from the government of the United States or any agency thereof, from the State of Nebraska or any subdivision thereof, and from any person or corporation donations, devises, gifts, bequests, loans, or grants for or in aid of the acquisition, operation, and maintenance of such public passenger transportation systems; to administer, hold, use, and apply such donations, devises, gifts, bequests, loans, or grants for the purposes for which such donations, devises, gifts, bequests, loans, or grants may have been made; to negotiate with employees and enter into contracts of employment; to employ by contract or otherwise individuals singularly or collectively; to enter into agreements authorized under the Interlocal Cooperation Act or the Joint Public Agency Act; to contract with an operating and management company for the purpose of operating, servicing, and maintaining any public passenger transportation systems the city shall acquire; and to exercise such other and further powers as may be necessary, incident, or appropriate to the powers of the city; and

(39) In addition to powers conferred elsewhere in the laws of the state, to implement and enforce an air pollution control program within the corporate limits of the city under subdivision (23) of section 81-1504 or subsection (1) of section 81-1528, which program shall be consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include without limitation those involving injunctive relief, civil penalties, criminal fines, and burden of proof. Nothing in this section shall preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with state air pollution control regulations.

Sec. 3. Section 15-255, Reissue Revised Statutes of Nebraska, is amended to read:

15-255 A city of the primary class may (1) prohibit riots, routs, noise, or disorderly assemblies, (2) prevent the discharge use of firearms, rockets, powder, fireworks, or other dangerous and combustible material, (3) ~~prohibit carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act,~~ (4) regulate and prevent the transportation of gunpowder or combustible articles, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite, petroleum or its products, or other explosives or inflammables, (4) (5) regulate use of lights in stables, shops, or other places and building of bonfires, and (5) (6) regulate and prohibit the piling of building material or any excavation or

obstruction of the streets.

Sec. 4. Section 16-227, Reissue Revised Statutes of Nebraska, is amended to read:

16-227 A city of the first class may (1) prevent and restrain riots, routs, noises, disturbances, ~~breaches~~ breach of the peace, or disorderly assemblies in any street, house, or place in the city, (2) regulate, punish, and prevent the discharge of firearms, rockets, powder, fireworks, or any other dangerous combustible material in the streets, lots, grounds, and alleys or about or in the vicinity of any buildings, (3) ~~regulate, prevent, and punish the carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act,~~ (4) arrest, regulate, punish, or fine vagabonds, (4) (5) regulate and prevent the transportation or storage of gunpowder or other explosive or combustible articles, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite, petroleum or any other productions thereof, and other materials of like nature, the use of lights in stables, shops, or other places, and the building of bonfires, and (5) (6) regulate and prohibit the piling of building material or any excavation or obstruction in the street.

Sec. 5. Section 17-556, Reissue Revised Statutes of Nebraska, is amended to read:

17-556 Cities of the second class and villages shall have the power to (1) prevent and restrain riots, routs, noises, disturbances, or disorderly assemblages, (2) regulate, prevent, restrain, or remove nuisances and to designate what shall be considered a nuisance, (3) regulate, punish, and prevent the discharge of firearms, rockets, powder, fireworks, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any buildings, (4) ~~regulate, prevent, and punish the carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act,~~ and (4) (5) arrest, regulate, punish, or fine all vagrants.

Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement, 2022, is amended to read:

28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701 and sections 9, 10, 11, and 12 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 7. Section 28-1201, Revised Statutes Cumulative Supplement, 2022, is amended to read:

28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections 9, 10, 11, and 12 of this act, unless the context otherwise requires:

(1) Case means (a) a hard-sided or soft-sided box, container, or receptacle intended or designed for the primary purpose of storing or transporting a firearm or (b) the firearm manufacturer's original packaging. This definition does not apply to section 28-1204.04;

(2) Concealed handgun means a handgun that is entirely obscured from view. If any part of the handgun is capable of being seen or observed by another person, it is not a concealed handgun;

(3) (4) Firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(4) (2) Fugitive from justice means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

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

(6) (4) Juvenile means any person under the age of eighteen years;

(7) (5) Knife means:

(a) Any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury; or

(b) Any other dangerous instrument which is capable of inflicting cutting, stabbing, or tearing wounds and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury;

(8) (6) Knuckles and brass or iron knuckles means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(9) (7) Machine gun means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(10)(a) Minor means a person who is under twenty-one years of age.

(b) Minor does not include a person who is eighteen years of age or older if the person is (i) a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers' Training Corps or (ii) a peace officer or other duly authorized law enforcement officer;

(11)(a) Prohibited person means:

(i) A person prohibited from possessing a firearm or ammunition by state law, including, but not limited to, section 28-1206; or

(ii) A person prohibited from possessing a firearm or ammunition by 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.

(b) This definition does not apply to the use of the term prohibited person in section 28-1206;

(12) Qualified law enforcement officer and qualified retired law enforcement officer have the same meanings as in 18 U.S.C. 926B and 926C,

respectively, as such sections existed on January 1, 2023;

~~(13) (8) School means a public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, a public or private college, a junior college, or a university;~~

~~(14) (9) Short rifle means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and~~

~~(15) (10) Short shotgun means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.~~

Sec. 8. Section 28-1202, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~28-1202 (1) A minor or a prohibited (1)(a) Except as otherwise provided in this section, any person shall not carry who carries a weapon or weapons concealed on or about his or her person, such as a handgun, a knife, brass or iron knuckles, or any other deadly weapon, commits the offense of carrying a concealed weapon.~~

~~(2) A violation of this section is a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.~~

~~(b) It is an affirmative defense that the defendant was engaged in any lawful business, calling, or employment at the time he or she was carrying any weapon or weapons and the circumstances in which such person was placed at the time were such as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person, property, or family.~~

~~(2) This section does not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon the defendant is carrying is a handgun.~~

~~(3)(a) This section does not apply to storing or transporting a firearm in a motor vehicle for any lawful purpose or to transporting a firearm directly to or from a motor vehicle to or from any place where such firearm may be lawfully possessed or carried by such person, if such firearm is unloaded, kept separate from ammunition, and enclosed in a case. This subsection shall not apply to any person prohibited by state or federal law from possessing, carrying, transporting, shipping, or receiving a firearm.~~

~~(b) For purposes of this subsection, case means (i) a hard-sided or soft-sided box, container, or receptacle intended or designed for the primary purpose of storing or transporting a firearm or (ii) the firearm manufacturer's original packaging.~~

~~(4) Carrying a concealed weapon is a Class I misdemeanor.~~

~~(5) In the case of a second or subsequent conviction under this section, carrying a concealed weapon is a Class IV felony.~~

Sec. 9. Section 69-2441, Reissue Revised Statutes of Nebraska, is amended to read:

~~69-2441 (1) Except as otherwise provided in this section, a person, other than a minor or a prohibited person, (1)(a) A permit holder may carry a concealed handgun anywhere in Nebraska, with or without a permit under the Concealed Handgun Permit Act.~~

~~(2) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto any place or premises where the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has prohibited the carrying of concealed handguns into or onto the place or premises.~~

~~(3) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permit holders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law.~~

~~(4)(a) (b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with sections 10, 11, and 12 of this act the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.~~

~~(b) (c) A place of worship may authorize its security personnel to carry concealed handguns on its property if:~~

~~(i) Each so long as each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a~~

concealed handgun and is in compliance with sections 10, 11, and 12 of this act;

(ii) Written the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written notice is given to the congregation; and

(iii) For leased property, if the property is leased, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

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

(6) (3) A person permitholder carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subsection (2) or (3) subdivision (1)(a) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an auticycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

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

(8) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

(9)(a) Except as provided in subdivision (9)(b) of this section, it is an affirmative defense to a violation of subsection (3) of this section that the defendant was engaged in any lawful business, calling, or employment at the time the defendant was carrying a concealed handgun and the circumstances in which the defendant was placed at the time were such as to justify a prudent person in carrying a concealed handgun for the defense of his or her person, property, or family.

(b) The affirmative defense provided for in this subsection:

(i) Does not prevent a prosecution for a violation of section 28-1204.04; and

(ii) Is not available if the defendant refuses to remove the concealed handgun from the place or premises after a person in control of the place or premises has made a request, directly or through an authorized representative or management personnel, that the defendant remove the concealed handgun from the place or premises.

(10) Subsections (2) and (3) of this section do not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.

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

Sec. 10. (1) Except as provided in subsections (2), (3), and (4) of this section, a person not otherwise prohibited by state law from possessing or carrying a concealed handgun shall not carry a concealed handgun while such person:

(a) Is consuming alcohol; or

(b) Has remaining in such person's blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section 28-401.

(2) A person does not violate this section if the controlled substance in such person's blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

(3) A person does not violate this section if:

(a) Such person is storing or transporting a handgun in a motor vehicle for any lawful purpose or transporting a handgun directly to or from a motor vehicle to or from any place where such handgun may be lawfully possessed or carried by such person; and

(b) Such handgun is unloaded, kept separate from ammunition, and enclosed in a case.

(4) This section does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.

(5) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

Sec. 11. (1)(a) This section applies to a person who is not otherwise

prohibited by state law from possessing or carrying a concealed handgun.

(b) This section does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.

(2) Except as provided in subsection (3) of this section, any time a person is carrying a concealed handgun, such person shall also carry such person's identification document. The person shall display the identification document when asked to do so by a peace officer or by emergency services personnel.

(3) A person is not required to comply with this section if:

(a) Such person is storing or transporting a handgun in a motor vehicle for any lawful purpose or transporting a handgun directly to or from a motor vehicle to or from any place where such handgun may be lawfully possessed or carried by such person; and

(b) Such handgun is unloaded, kept separate from ammunition, and enclosed in a case.

(4) For purposes of this section:

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

(b) Identification document means a valid:

(i) Driver's or operator's license;

(ii) State identification card;

(iii) Military identification card;

(iv) Alien registration card; or

(v) Passport.

(5) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

Sec. 12. Section 69-2440, Reissue Revised Statutes of Nebraska, is amended to read:

~~69-2440~~ (1)(a) This section applies to a person who is not otherwise prohibited by state law from possessing or carrying a concealed handgun.

(b) This section does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.

~~(1) A permitholder shall carry his or her permit to carry a concealed handgun and his or her Nebraska driver's license, Nebraska-issued state identification card, or military identification card any time he or she carries a concealed handgun. The permitholder shall display both the permit to carry a concealed handgun and his or her Nebraska motor vehicle operator's license, Nebraska-issued state identification card, or military identification card when asked to do so by a peace officer or by emergency services personnel.~~

(2) Except as provided in subsection (5) of this section, whenever a person whenever a permitholder who is carrying a concealed handgun is contacted by a peace officer or by emergency services personnel, the person permitholder shall immediately inform the peace officer or emergency services personnel that the person permitholder is carrying a concealed handgun.

(3) Except as provided in subsection (5) of this section, during (3)(a) During contact with a person carrying a concealed handgun permitholder, a peace officer or emergency services personnel may secure the handgun or direct that it be secured during the duration of the contact if the peace officer or emergency services personnel determines that it is necessary for the safety of any person present, including the peace officer or emergency services personnel. The person permitholder shall submit to the order to secure the handgun.

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

(b) (ii) When emergency services personnel have determined that the person permitholder is not a threat to the safety of any person present, including emergency services personnel, and if the person permitholder is physically and mentally capable of possessing the handgun, the emergency services personnel shall return the handgun to the person permitholder before releasing the person permitholder from the scene and breaking contact. If the person permitholder is transported for treatment to another location, the handgun shall be turned over to any peace officer. The peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the handgun.

(5) A person is not required to comply with subsections (2) and (3) of this section if:

(a) Such person is storing or transporting a handgun in a motor vehicle for any lawful purpose or transporting a handgun directly to or from a motor vehicle to or from any place where such handgun may be lawfully possessed or carried by such person; and

(b) Such handgun is unloaded, kept separate from ammunition, and enclosed in a case.

(6) (4) For purposes of this section:

(a) Contact ~~contact~~ with a peace officer means any time a peace officer personally stops, detains, questions, or addresses a person ~~permitholder~~ for an official purpose or in the course of his or her official duties, and contact with emergency services personnel means any time emergency services personnel provide treatment to a person ~~permitholder~~ in the course of their official duties; and ~~-~~

(b) Emergency services personnel has the same meaning as in section 11 of this act.

(7) A violation of:

(a) Subsection (2) of this section is a Class III misdemeanor for a first offense, a Class I misdemeanor for a second offense, and a Class IV felony for a third or subsequent offense; and

(b) Subsection (3) of this section is a Class I misdemeanor.

Sec. 13. Section 28-1205, Reissue Revised Statutes of Nebraska, is amended to read:

28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state commits the offense of use of a deadly weapon to commit a felony.

(b) Use of a deadly weapon, other than a firearm, to commit a felony is a Class II felony.

(c) Use of a deadly weapon, which is a firearm, to commit a felony is a Class IC felony.

(2)(a) Any person who possesses a firearm, a knife, brass or iron knuckles, or a destructive device during the commission of any felony which may be prosecuted in a court of this state commits the offense of possession of a deadly weapon during the commission of a felony.

(b) Possession of a deadly weapon, other than a firearm, during the commission of a felony is a Class III felony.

(c) Possession of a deadly weapon, which is a firearm, during the commission of a felony is a Class II felony.

(3)(a) Any person who carries a firearm or a destructive device during the commission of a dangerous misdemeanor commits the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor.

(b) A violation of this subsection is a:

(i) Class I misdemeanor for a first or second offense; and

(ii) A Class IV felony for any third or subsequent offense.

(4) A violation of this section (3) The crimes defined in this section shall be treated as a separate and distinct offense offenses from the underlying crimes felony being committed, and a sentence sentences imposed under this section shall be consecutive to any other sentence imposed.

(5) (4) Possession of a deadly weapon may be proved through evidence demonstrating either actual or constructive possession of a firearm, a knife, brass or iron knuckles, or a destructive device during, immediately prior to, or immediately after the commission of a felony.

(6) (5) For purposes of this section:

(a) Dangerous misdemeanor means a misdemeanor violation of any of the following offenses:

(i) Stalking under section 28-311.03;

(ii) Knowing violation of a harassment protection order under section 28-311.09;

(iii) Knowing violation of a sexual assault protection order under section 28-311.11;

(iv) Domestic assault under section 28-323;

(v) Assault of an unborn child in the third degree under section 28-399;

(vi) Theft by shoplifting under section 28-511.01;

(vii) Unauthorized use of a propelled vehicle under section 28-516;

(viii) Criminal mischief under section 28-519 if such violation arises from an incident involving the commission of a misdemeanor crime of domestic violence;

(ix) Impersonating a police officer under section 28-610;

(x) Resisting arrest under section 28-904;

(xi) Operating a motor vehicle or vessel to avoid arrest under section 28-905;

(xii) Obstructing a peace officer under section 28-906;

(xiii) Knowing violation of a domestic abuse protection order under section 42-924; or

(xiv) Any attempt under section 28-201 to commit an offense described in subdivisions (6)(a)(i) through (xiii) of this section;

(b) (a) Destructive device has the same meaning as in section 28-1213; and

(c) Misdemeanor crime of domestic violence has the same meaning as in section 28-1206; and

(d) (b) Use of a deadly weapon includes the discharge, employment, or visible display of any part of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony or communication to another indicating the presence of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony, regardless of whether such firearm, knife, brass or iron knuckles, deadly weapon, or destructive device was discharged, actively employed, or displayed.

Sec. 14. Section 28-1351, Revised Statutes Cumulative Supplement, 2022, is

amended to read:

28-1351 (1) A person commits the offense of unlawful membership recruitment into an organization or association when he or she knowingly and intentionally coerces, intimidates, threatens, or inflicts bodily harm upon another person in order to entice that other person to join or prevent that other person from leaving any organization, group, enterprise, or association whose members, individually or collectively, engage in or have engaged in any of the following criminal acts for the benefit of, at the direction of, or on behalf of the organization, group, enterprise, or association or any of its members:

- (a) Robbery under section 28-324;
  - (b) Arson in the first, second, or third degree under section 28-502, 28-503, or 28-504, respectively;
  - (c) Burglary under section 28-507;
  - (d) Murder in the first degree, murder in the second degree, or manslaughter under section 28-303, 28-304, or 28-305, respectively;
  - (e) Violations of the Uniform Controlled Substances Act that involve possession with intent to deliver, distribution, delivery, or manufacture of a controlled substance;
  - (f) Unlawful use, possession, or discharge of a firearm or other deadly weapon under sections 28-1201 to 28-1212.04 and sections 9, 10, 11, and 12 of this act;
  - (g) Assault in the first degree or assault in the second degree under section 28-308 or 28-309, respectively;
  - (h) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first, second, or third degree under section 28-929, 28-930, or 28-931, respectively, or assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle under section 28-931.01;
  - (i) Theft by unlawful taking or disposition under section 28-511;
  - (j) Theft by receiving stolen property under section 28-517;
  - (k) Theft by deception under section 28-512;
  - (l) Theft by extortion under section 28-513;
  - (m) Kidnapping under section 28-313;
  - (n) Any forgery offense under sections 28-602 to 28-605;
  - (o) Criminal impersonation under section 28-638;
  - (p) Tampering with a publicly exhibited contest under section 28-614;
  - (q) Unauthorized use of a financial transaction device or criminal possession of a financial transaction device under section 28-620 or 28-621, respectively;
  - (r) Pandering under section 28-802;
  - (s) Bribery, bribery of a witness, or bribery of a juror under section 28-917, 28-918, or 28-920, respectively;
  - (t) Tampering with a witness or an informant or jury tampering under section 28-919;
  - (u) Unauthorized application of graffiti under section 28-524;
  - (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal against another under section 28-1005; or
  - (w) Promoting gambling in the first degree under section 28-1102.
- (2) Unlawful membership recruitment into an organization or association is a Class IV felony.

Sec. 15. Section 28-1354, Revised Statutes Cumulative Supplement, 2022, is amended to read:

28-1354 For purposes of the Public Protection Act:

- (1) Enterprise means any individual, sole proprietorship, partnership, corporation, trust, association, or any legal entity, union, or group of individuals associated in fact although not a legal entity, and shall include illicit as well as licit enterprises as well as other entities;
- (2) Pattern of racketeering activity means a cumulative loss for one or more victims or gains for the enterprise of not less than one thousand five hundred dollars resulting from at least two acts of racketeering activity, one of which occurred after August 30, 2009, and the last of which occurred within ten years, excluding any period of imprisonment, after the commission of a prior act of racketeering activity;
- (3) Until January 1, 2017, person means any individual or entity, as defined in section 21-2014, holding or capable of holding a legal, equitable, or beneficial interest in property. Beginning January 1, 2017, person means any individual or entity, as defined in section 21-214, holding or capable of holding a legal, equitable, or beneficial interest in property;
- (4) Prosecutor includes the Attorney General of the State of Nebraska, the deputy attorney general, assistant attorneys general, a county attorney, a deputy county attorney, or any person so designated by the Attorney General, a county attorney, or a court of the state to carry out the powers conferred by the act;
- (5) Racketeering activity includes the commission of, criminal attempt to commit, conspiracy to commit, aiding and abetting in the commission of, aiding in the consummation of, acting as an accessory to the commission of, or the solicitation, coercion, or intimidation of another to commit or aid in the commission of any of the following:
  - (a) Offenses against the person which include: Murder in the first degree under section 28-303; murder in the second degree under section 28-304;

manslaughter under section 28-305; assault in the first degree under section 28-308; assault in the second degree under section 28-309; assault in the third degree under section 28-310; terroristic threats under section 28-311.01; kidnapping under section 28-313; false imprisonment in the first degree under section 28-314; false imprisonment in the second degree under section 28-315; sexual assault in the first degree under section 28-319; and robbery under section 28-324;

(b) Offenses relating to controlled substances which include: To unlawfully manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance under subsection (1) of section 28-416; possession of marijuana weighing more than one pound under subsection (12) of section 28-416; possession of money used or intended to be used to facilitate a violation of subsection (1) of section 28-416 prohibited under subsection (17) of section 28-416; any violation of section 28-418; to unlawfully manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance under section 28-445; possession of anhydrous ammonia with the intent to manufacture methamphetamine under section 28-451; and possession of ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to manufacture methamphetamine under section 28-452;

(c) Offenses against property which include: Arson in the first degree under section 28-502; arson in the second degree under section 28-503; arson in the third degree under section 28-504; burglary under section 28-507; theft by unlawful taking or disposition under section 28-511; theft by shoplifting under section 28-511.01; theft by deception under section 28-512; theft by extortion under section 28-513; theft of services under section 28-515; theft by receiving stolen property under section 28-517; criminal mischief under section 28-519; and unlawfully depriving or obtaining property or services using a computer under section 28-1344;

(d) Offenses involving fraud which include: Burning to defraud an insurer under section 28-505; forgery in the first degree under section 28-602; forgery in the second degree under section 28-603; criminal possession of a forged instrument under section 28-604; criminal possession of written instrument forgery devices under section 28-605; criminal impersonation under section 28-638; identity theft under section 28-639; identity fraud under section 28-640; false statement or book entry under section 28-612; tampering with a publicly exhibited contest under section 28-614; issuing a false financial statement for purposes of obtaining a financial transaction device under section 28-619; unauthorized use of a financial transaction device under section 28-620; criminal possession of a financial transaction device under section 28-621; unlawful circulation of a financial transaction device in the first degree under section 28-622; unlawful circulation of a financial transaction device in the second degree under section 28-623; criminal possession of a blank financial transaction device under section 28-624; criminal sale of a blank financial transaction device under section 28-625; criminal possession of a financial transaction forgery device under section 28-626; unlawful manufacture of a financial transaction device under section 28-627; laundering of sales forms under section 28-628; unlawful acquisition of sales form processing services under section 28-629; unlawful factoring of a financial transaction device under section 28-630; and fraudulent insurance acts under section 28-631;

(e) Offenses involving governmental operations which include: Abuse of public records under section 28-911; perjury or subornation of perjury under section 28-915; bribery under section 28-917; bribery of a witness under section 28-918; tampering with a witness or informant or jury tampering under section 28-919; bribery of a juror under section 28-920; assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree under section 28-929; assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree under section 28-930; assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree under section 28-931; and assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle under section 28-931.01;

(f) Offenses involving gambling which include: Promoting gambling in the first degree under section 28-1102; possession of gambling records under section 28-1105; gambling debt collection under section 28-1105.01; and possession of a gambling device under section 28-1107;

(g) Offenses relating to firearms, weapons, and explosives which include: Carrying a concealed weapon under section 28-1202; transportation or possession of machine guns, short rifles, or short shotguns under section 28-1203; unlawful possession of a handgun under section 28-1204; unlawful transfer of a firearm to a juvenile under section 28-1204.01; possession of a firearm by a prohibited juvenile offender under section 28-1204.05; using a deadly weapon to commit a felony, or possession of a deadly weapon during the commission of a felony, or carrying a firearm or destructive device during the commission of a dangerous misdemeanor under section 28-1205; possession of a deadly weapon by a prohibited person under section 28-1206; possession of a defaced firearm under section 28-1207; defacing a firearm under section 28-1208; unlawful discharge of a firearm under section 28-1212.02; possession, receipt, retention, or

disposition of a stolen firearm under section 28-1212.03; unlawful possession of explosive materials in the first degree under section 28-1215; unlawful possession of explosive materials in the second degree under section 28-1216; unlawful sale of explosives under section 28-1217; use of explosives without a permit under section 28-1218; obtaining an explosives permit through false representations under section 28-1219; possession of a destructive device under section 28-1220; threatening the use of explosives or placing a false bomb under section 28-1221; using explosives to commit a felony under section 28-1222; using explosives to damage or destroy property under section 28-1223; and using explosives to kill or injure any person under section 28-1224;

(h) Any violation of the Securities Act of Nebraska pursuant to section 8-1117;

(i) Any violation of the Nebraska Revenue Act of 1967 pursuant to section 77-2713;

(j) Offenses relating to public health and morals which include: Prostitution under section 28-801; pandering under section 28-802; keeping a place of prostitution under section 28-804; labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor under section 28-831; a violation of section 28-1005; and any act relating to the visual depiction of sexually explicit conduct prohibited in the Child Pornography Prevention Act; and

(k) A violation of the Computer Crimes Act;

(6) State means the State of Nebraska or any political subdivision or any department, agency, or instrumentality thereof; and

(7) Unlawful debt means a debt of at least one thousand five hundred dollars:

(a) Incurred or contracted in gambling activity which was in violation of federal law or the law of the state or which is unenforceable under state or federal law in whole or in part as to principal or interest because of the laws relating to usury; or

(b) Which was incurred in connection with the business of gambling in violation of federal law or the law of the state or the business of lending money or a thing of value at a rate usurious under state law if the usurious rate is at least twice the enforceable rate.

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

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

(1) Concealed handgun means a the handgun that is entirely obscured totally hidden from view. If any part of the handgun is capable of being seen or observed by another person, it is not a concealed handgun;

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

~~(2) (3) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;~~

~~(3) (4) Peace officer means any town marshal, chief of police or local police officer, sheriff or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, any officer of the Nebraska State Patrol, any member of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder, any Game and Parks Commission conservation officer, and all other persons with similar authority to make arrests;~~

~~(4) (5) Permitholder means an individual holding a current and valid permit to carry a concealed handgun issued pursuant to the Concealed Handgun Permit Act; and~~

~~(5) (6) Proof of training means an original document or certified copy of a document, supplied by an applicant, that certifies that he or she either:~~

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

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

Sec. 17. Section 69-2435, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 18. Section 69-2436, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

(2) The Nebraska State Patrol shall renew a permitholder's permit to carry a concealed handgun for a renewal period of five years, subject to continuing

compliance with the requirements of section 69-2433, except as provided in subsection (2) ~~(4)~~ of section 69-2443. The renewal fee is fifty dollars, and renewal may be applied for no earlier than four months before expiration of the permit and no later than thirty business days after the date of expiration of the permit. At least four months before expiration of a permit to carry a concealed handgun, the Nebraska State Patrol shall send to the permit holder by United States mail or electronically notice of expiration of the permit.

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

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

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

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

(3) The case shall be prosecuted as a civil case, and the permit shall be revoked upon a showing by a preponderance of the evidence that the permit holder does not meet one or more of the requirements of section 69-2433, except as provided in subsection (2) ~~(4)~~ of section 69-2443.

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

Sec. 20. Section 69-2442, Reissue Revised Statutes of Nebraska, is amended to read:

69-2442 (1) Any time the discharge of a handgun carried by a permit holder pursuant to the Concealed Handgun Permit Act results in injury to a person or damage to property, the permit holder shall make a report of such incident to the Nebraska State Patrol on a form designed and distributed by the Nebraska State Patrol. The information from the report shall be maintained as provided in section 69-2444.

(2) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

Sec. 21. Section 69-2443, Reissue Revised Statutes of Nebraska, is amended to read:

~~69-2443 (1) A permit holder who violates subsection (1) or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty of a Class III misdemeanor for the first violation and a Class I misdemeanor for any second or subsequent violation.~~

~~(2) A permit holder who violates subsection (3) of section 69-2440 is guilty of a Class I misdemeanor.~~

(1) (3) A permit holder convicted of a violation of section 11 or 12 of this act or section 69-2440 or 69-2442 may also have his or her permit revoked.

(2) (4) A permit holder convicted of a violation of section 9 or 10 of this act 69-2441 that occurred on property owned by the state or any political subdivision of the state may also have his or her permit revoked. A permit holder convicted of a violation of section 9 or 10 of this act 69-2441 that did not occur on property owned by the state or any political subdivision of the state shall not have his or her permit revoked for a first offense but may have his or her permit revoked for any second or subsequent offense.

Sec. 22. Section 69-2445, Reissue Revised Statutes of Nebraska, is amended to read:

69-2445 Nothing in the Concealed Handgun Permit Act prevents a person not otherwise prohibited from possessing or carrying a concealed handgun by state law from carrying a concealed weapon without a permit as permitted under section 28-1202.

Sec. 23. Original sections 14-102, 15-255, 16-227, 17-556, 18-1703, 28-1205, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, 28-1202, 28-1351, 28-1354, and 69-2436, Revised Statutes Cumulative Supplement, 2022, are repealed.