

AMENDMENTS TO LB77

(Amendments to Final Reading copy)

Introduced by Geist, 25.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

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

5 ~~18-1703~~ (1) The Legislature finds and declares that the regulation
6 of the ownership, possession, storage, transportation, sale, and transfer
7 of firearms and other weapons is a matter of statewide concern.

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

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

13 (b) Require registration of firearms or other weapons.

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

17 ~~Cities and villages shall not have the power to regulate the~~
18 ~~ownership, possession, or transportation of a concealed handgun, as such~~
19 ~~ownership, possession, or transportation is authorized under the~~
20 ~~Concealed Handgun Permit Act, except as expressly provided by state law,~~
21 ~~and shall not have the power to require registration of a concealed~~
22 ~~handgun owned, possessed, or transported by a permit holder under the act.~~
23 ~~Any existing city or village ordinance, permit, or regulation regulating~~
24 ~~the ownership, possession, or transportation of a concealed handgun, as~~
25 ~~such ownership, possession, or transportation is authorized under the~~
26 ~~act, except as expressly provided under state law, and any existing city~~

1 ~~or village ordinance, permit, or regulation requiring the registration of~~
2 ~~a concealed handgun owned, possessed, or transported by a permit holder~~
3 ~~under the act, is declared to be null and void as against any~~
4 ~~permit holder possessing a valid permit under the act.~~

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

7 14-102 In addition to the powers granted in section 14-101, cities
8 of the metropolitan class shall have power by ordinance:

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

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

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

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

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

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

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

1 exposed or offered for sale in the city;

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

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

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

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

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

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

1 boulevard or to furnish proper police protection; and to assess the cost
2 of such trimming upon the abutting property as a special assessment;

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

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

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

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

31 (18) To prevent or regulate any amusement or practice having a

1 tendency to annoy persons passing in the streets or on the sidewalks; and
2 to regulate the use of vehicles propelled by steam, gas, electricity, or
3 other motive power, operated on the streets of the city;

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

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

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

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

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

23 (24) To prohibit, restrain, and suppress houses of prostitution,
24 opium joints, gambling houses, prize fighting, dog fighting, cock
25 fighting, and other disorderly houses and practices, all games and
26 gambling, and all kinds of indecencies; to regulate and license or
27 prohibit the keeping and use of billiard tables, bowling alleys, shooting
28 galleries except as provided in the Nebraska Shooting Range Protection
29 Act, and other similar places of amusement; and to prohibit and suppress
30 all lotteries and gift enterprises of all kinds under whatsoever name
31 carried on, except that nothing in this subdivision shall be construed to

1 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
2 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
3 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
4 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

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

14 (26) To prevent immoderate driving on the street;

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

24 (28) To erect, designate, establish, maintain, and regulate
25 hospitals, houses of correction, jails, station houses, fire engine
26 houses, asphalt repair plants, and other necessary buildings; to erect,
27 designate, establish, maintain, and regulate plants for the removal,
28 disposal, or recycling of garbage and refuse or to make contracts for
29 garbage and refuse removal, disposal, or recycling, or all of the same;
30 and to charge equitable fees for such removal, disposal, or recycling, or
31 all of the same, except as provided by law. The fees collected pursuant

1 to this subdivision shall be credited to a single fund to be used
2 exclusively by the city for the removal, disposal, or recycling of
3 garbage and refuse, or all of the same, including any costs incurred for
4 collecting the fee. Before any contract for such removal, disposal, or
5 recycling is let, the city council shall make specifications for such
6 contract, bids shall be advertised for as now provided by law, and the
7 contract shall be let to the lowest and best bidder, who shall furnish
8 bond to the city conditioned upon his or her carrying out the terms of
9 the contract, the bond to be approved by the city council. Nothing in
10 this section, and no contract or regulation made by the city council,
11 shall be so construed as to prohibit any person, firm, or corporation
12 engaged in any business in which garbage or refuse accumulates as a
13 byproduct from selling, recycling, or otherwise disposing of his, her, or
14 its garbage or refuse or hauling such garbage or refuse through the
15 streets and alleys under such uniform and reasonable regulations as the
16 city council may by ordinance prescribe for the removal and hauling of
17 garbage or refuse;

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

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

29 (31) To provide for the inspection of steam boilers, electric light
30 appliances, pipefittings, and plumbings; to regulate their erection and
31 construction; to appoint inspectors; and to declare their powers and

1 duties, except as otherwise provided by law;

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

19 (33) To regulate the construction, use, and maintenance of party
20 walls, to prescribe and regulate the thickness, strength, and manner of
21 constructing stone, brick, wood, or other buildings and the size and
22 shape of brick and other material placed in such buildings; to prescribe
23 and regulate the construction and arrangement of fire escapes and the
24 placing of iron and metallic shutters and doors in or on such fire
25 escapes; to provide for the inspection of elevators; to prescribe,
26 regulate, and provide for the inspection of all plumbing, pipefitting, or
27 sewer connections in all houses or buildings now or hereafter erected; to
28 regulate the size, number, and manner of construction of halls, doors,
29 stairways, seats, aisles, and passageways of theaters and buildings of a
30 public character, whether now built or hereafter to be built, so that
31 there may be convenient, safe, and speedy exit in case of fire; to

1 prevent the dangerous construction and condition of chimneys, fireplaces,
2 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
3 in or about any building and to cause such appliances to be removed or
4 placed in safe condition when they are considered dangerous; to prevent
5 the deposit of ashes in unsafe places and to cause such buildings and
6 enclosures as may be in a dangerous state to be put in a safe condition;
7 to prevent the disposing of and delivery or use in any building or other
8 structure of unsuitable building material within the city limits and
9 provide for the inspection of building materials; to provide for the
10 abatement of dense volumes of smoke; to regulate the construction of
11 areaways, stairways, and vaults and to regulate partition fences; and to
12 enforce proper heating and ventilation of buildings used for schools or
13 other buildings where large numbers of persons are liable to congregate;

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

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

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

29 (37) To erect, establish, and maintain offstreet parking areas on
30 publicly owned property located beneath any elevated segment of the
31 National System of Interstate and Defense Highways or portion thereof, or

1 public property title to which is in the city on May 12, 1971, or
2 property owned by the city and used in conjunction with and incidental to
3 city-operated facilities; and to regulate parking on such property by
4 time limitation devices or by lease;

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

31 (39) In addition to powers conferred elsewhere in the laws of the

1 state, to implement and enforce an air pollution control program within
2 the corporate limits of the city under subdivision (23) of section
3 81-1504 or subsection (1) of section 81-1528, which program shall be
4 consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et
5 seq. Such powers shall include without limitation those involving
6 injunctive relief, civil penalties, criminal fines, and burden of proof.
7 Nothing in this section shall preclude the control of air pollution by
8 resolution, ordinance, or regulation not in actual conflict with state
9 air pollution control regulations.

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

12 15-255 A city of the primary class may (1) prohibit riots, routs,
13 noise, or disorderly assemblies, (2) prevent the discharge use of
14 firearms, rockets, powder, fireworks, or other dangerous and combustible
15 material, (3) ~~prohibit carrying of concealed weapons, except the carrying~~
16 ~~of a concealed handgun in compliance with the Concealed Handgun Permit~~
17 ~~Act,~~ (4) regulate and prevent the transportation of gunpowder or
18 combustible articles, tar, pitch, resin, coal oil, benzine, turpentine,
19 hemp, cotton, nitroglycerine, dynamite, petroleum or its products, or
20 other explosives or inflammables, (4) (5) regulate use of lights in
21 stables, shops, or other places and building of bonfires, and (5) (6)
22 regulate and prohibit the piling of building material or any excavation
23 or obstruction of the streets.

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

26 16-227 A city of the first class may (1) prevent and restrain riots,
27 routs, noises, disturbances, breaches ~~breach~~ of the peace, or disorderly
28 assemblies in any street, house, or place in the city, (2) regulate,
29 punish, and prevent the discharge of firearms, rockets, powder,
30 fireworks, or any other dangerous combustible material in the streets,
31 lots, grounds, and alleys or about or in the vicinity of any buildings,

1 ~~(3) regulate, prevent, and punish the carrying of concealed weapons,~~
2 ~~except the carrying of a concealed handgun in compliance with the~~
3 ~~Concealed Handgun Permit Act, (4) arrest, regulate, punish, or fine~~
4 ~~vagabonds, (4) (5) regulate and prevent the transportation or storage of~~
5 ~~gunpowder or other explosive or combustible articles, tar, pitch, resin,~~
6 ~~coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite,~~
7 ~~petroleum or any other productions thereof, and other materials of like~~
8 ~~nature, the use of lights in stables, shops, or other places, and the~~
9 ~~building of bonfires, and (5) (6) regulate and prohibit the piling of~~
10 ~~building material or any excavation or obstruction in the street.~~

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

13 17-556 Cities of the second class and villages shall have the power
14 to (1) prevent and restrain riots, routs, noises, disturbances, or
15 disorderly assemblages, (2) regulate, prevent, restrain, or remove
16 nuisances and to designate what shall be considered a nuisance, (3)
17 regulate, punish, and prevent the discharge of firearms, rockets, powder,
18 fireworks, or any other dangerous combustible material in the streets,
19 lots, grounds, alleys, or about or in the vicinity of any buildings, ~~(4)~~
20 ~~regulate, prevent, and punish the carrying of concealed weapons, except~~
21 ~~the carrying of a concealed handgun in compliance with the Concealed~~
22 ~~Handgun Permit Act, and (4) (5) arrest, regulate, punish, or fine all~~
23 ~~vagrants.~~

24 Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
27 and sections 9, 10, 11, and 12 of this act shall be known and may be
28 cited as the Nebraska Criminal Code.

29 Sec. 7. Section 28-1201, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections

1 9, 10, 11, and 12 of this act, unless the context otherwise requires:

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

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

9 (3) ~~(1)~~ Firearm means any weapon which is designed to or may readily
10 be converted to expel any projectile by the action of an explosive or
11 frame or receiver of any such weapon;

12 (4) ~~(2)~~ Fugitive from justice means any person who has fled or is
13 fleeing from any peace officer to avoid prosecution or incarceration for
14 a felony;

15 (5) ~~(3)~~ Handgun means any firearm with a barrel less than sixteen
16 inches in length or any firearm designed to be held and fired by the use
17 of a single hand;

18 (6) ~~(4)~~ Juvenile means any person under the age of eighteen years;

19 (7) ~~(5)~~ Knife means:

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

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

27 (8) ~~(6)~~ Knuckles and brass or iron knuckles means any instrument
28 that consists of finger rings or guards made of a hard substance and that
29 is designed, made, or adapted for the purpose of inflicting serious
30 bodily injury or death by striking a person with a fist enclosed in the
31 knuckles;

1 (9) ~~(7)~~ Machine gun means any firearm, whatever its size and usual
2 designation, that shoots automatically more than one shot, without manual
3 reloading, by a single function of the trigger;

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

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

10 (11)(a) Prohibited person means:

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

13 (ii) A person prohibited from possessing a firearm or ammunition by
14 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.

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

17 (12) Qualified law enforcement officer and qualified retired law
18 enforcement officer have the same meanings as in 18 U.S.C. 926B and 926C,
19 respectively, as such sections existed on January 1, 2023;

20 (13) ~~(8)~~ School means a public, private, denominational, or
21 parochial elementary, vocational, or secondary school, a private
22 postsecondary career school as defined in section 85-1603, a community
23 college, a public or private college, a junior college, or a university;

24 (14) ~~(9)~~ Short rifle means a rifle having a barrel less than sixteen
25 inches long or an overall length of less than twenty-six inches; and

26 (15) ~~(10)~~ Short shotgun means a shotgun having a barrel or barrels
27 less than eighteen inches long or an overall length of less than twenty-
28 six inches.

29 Sec. 8. Section 28-1202, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 28-1202 (1) A minor or a prohibited ~~(1)(a) Except as otherwise~~

1 ~~provided in this section, any person shall not carry who carries a weapon~~
2 ~~or weapons concealed on or about his or her person, such as a handgun, a~~
3 ~~knife, brass or iron knuckles, or any other deadly weapon, commits the~~
4 ~~offense of carrying a concealed weapon.~~

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

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

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

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

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

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

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

31 ~~Sec. 9. Section 69-2441, Reissue Revised Statutes of Nebraska, is~~

1 amended to read:

2 ~~69-2441~~ (1) Except as otherwise provided in this section, a person,
3 other than a minor or a prohibited person, (1)(a) A permitholder may
4 carry a concealed handgun anywhere in Nebraska, with or without a permit
5 under the Concealed Handgun Permit Act.

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

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

1 ~~or onto~~ any other place or premises where handguns are prohibited by
2 state law.

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

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

12 (i) ~~Each so long as each~~ member of the security personnel, as
13 authorized, is not otherwise prohibited by state law from possessing or
14 carrying a concealed handgun and is in compliance with sections 10, 11,
15 and 12 of this act;

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

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

23 (5) ~~(2)~~ If a person, persons, entity, or entities in control of the
24 place or premises ~~property~~ or an employer in control of the place or
25 premises ~~property~~ prohibits the ~~a permitholder~~ from carrying of a
26 concealed handguns ~~handgun~~ into or onto the place or premises and such
27 place or premises are open to the public, a person ~~permitholder~~ does not
28 violate this section unless the person, persons, entity, or entities in
29 control of the place or premises ~~property~~ or employer in control of the
30 place or premises ~~property~~ has posted conspicuous notice that carrying a
31 concealed handgun is prohibited in or on the place or premises or has

1 made a request, directly or through an authorized representative or
2 management personnel, that the person ~~permitholder~~ remove the concealed
3 handgun from the place or premises.

4 (6) (3) A person ~~permitholder~~ carrying a concealed handgun in a
5 vehicle or on his or her person while riding in or on a vehicle into or
6 onto any parking area, which is open to the public, used by any location
7 listed in subsection (2) or (3) subdivision (1)(a) of this section, does
8 not violate this section if, prior to exiting the vehicle, the handgun is
9 locked inside the glove box, trunk, or other compartment of the vehicle,
10 a storage box securely attached to the vehicle, or, if the vehicle is a
11 motorcycle, other than an autocycle, a hardened compartment securely
12 attached to the motorcycle. This subsection does not apply to any parking
13 area used by such location when the carrying of a concealed handgun into
14 or onto such parking area is prohibited by federal law.

15 (7) (4) An employer may prohibit employees or other persons ~~who are~~
16 ~~permitholders~~ from carrying concealed handguns in vehicles owned by the
17 employer.

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

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

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

29 (i) Does not prevent a prosecution for a violation of section
30 28-1204.04; and

31 (ii) Is not available if the defendant refuses to remove the

1 concealed handgun from the place or premises after a person in control of
2 the place or premises has made a request, directly or through an
3 authorized representative or management personnel, that the defendant
4 remove the concealed handgun from the place or premises.

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

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

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

20 (a) Is consuming alcohol; or

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

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

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

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

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

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

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

10 Sec. 11. (1)(a) This section applies to a person who is not
11 otherwise prohibited by state law from possessing or carrying a concealed
12 handgun.

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

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

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

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

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

29 (4) For purposes of this section:

30 (a) Emergency services personnel means a volunteer or paid
31 firefighter or rescue squad member or a person licensed to provide

1 emergency medical services pursuant to the Emergency Medical Services
2 Practice Act or authorized to provide emergency medical services pursuant
3 to the EMS Personnel Licensure Interstate Compact; and

4 (b) Identification document means a valid:

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

6 (ii) State identification card;

7 (iii) Military identification card;

8 (iv) Alien registration card; or

9 (v) Passport.

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

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

15 ~~69-2440~~ (1)(a) This section applies to a person who is not
16 otherwise prohibited by state law from possessing or carrying a concealed
17 handgun.

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

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

30 (2) Except as provided in subsection (5) of this section, whenever a
31 person ~~whenever a permitholder~~ who is carrying a concealed handgun is

1 contacted by a peace officer or by emergency services personnel, the
2 person ~~permitholder~~ shall immediately inform the peace officer or
3 emergency services personnel that the person ~~permitholder~~ is carrying a
4 concealed handgun.

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

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

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

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

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

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

7 (6) (4) For purposes of this section:

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

14 (b) Emergency services personnel has the same meaning as in section
15 11 of this act.

16 (7) A violation of:

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

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

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

23 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
24 knuckles, or any other deadly weapon to commit any felony which may be
25 prosecuted in a court of this state commits the offense of use of a
26 deadly weapon to commit a felony.

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

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

31 (2)(a) Any person who possesses a firearm, a knife, brass or iron

1 knuckles, or a destructive device during the commission of any felony
2 which may be prosecuted in a court of this state commits the offense of
3 possession of a deadly weapon during the commission of a felony.

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

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

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

12 (b) A violation of this subsection is a:

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

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

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

20 (5) (4) Possession of a deadly weapon may be proved through evidence
21 demonstrating either actual or constructive possession of a firearm, a
22 knife, brass or iron knuckles, or a destructive device during,
23 immediately prior to, or immediately after the commission of a felony.

24 (6) (5) For purposes of this section:

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

27 (i) Stalking under section 28-311.03;

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

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

- 1 (iv) Domestic assault under section 28-323;
2 (v) Assault of an unborn child in the third degree under section
3 28-399;
4 (vi) Possession of certain controlled substances under section
5 28-416;
6 (vii) Theft by shoplifting under section 28-511.01;
7 (viii) Unauthorized use of a propelled vehicle under section 28-516;
8 (ix) Criminal mischief under section 28-519 if such violation arises
9 from an incident involving the commission of a misdemeanor crime of
10 domestic violence;
11 (x) Impersonating a police officer under section 28-610;
12 (xi) Resisting arrest under section 28-904;
13 (xii) Operating a motor vehicle or vessel to avoid arrest under
14 section 28-905;
15 (xiii) Obstructing a peace officer under section 28-906;
16 (xiv) Knowing violation of a domestic abuse protection order under
17 section 42-924; or
18 (xv) Any attempt under section 28-201 to commit an offense described
19 in subdivisions (6)(a)(i) through (xiv) of this section;
20 (b) (a) Destructive device has the same meaning as in section
21 28-1213; and
22 (c) Misdemeanor crime of domestic violence has the same meaning as
23 in section 28-1206; and
24 (d) (b) Use of a deadly weapon includes the discharge, employment,
25 or visible display of any part of a firearm, a knife, brass or iron
26 knuckles, any other deadly weapon, or a destructive device during,
27 immediately prior to, or immediately after the commission of a felony or
28 communication to another indicating the presence of a firearm, a knife,
29 brass or iron knuckles, any other deadly weapon, or a destructive device
30 during, immediately prior to, or immediately after the commission of a
31 felony, regardless of whether such firearm, knife, brass or iron

1 knuckles, deadly weapon, or destructive device was discharged, actively
2 employed, or displayed.

3 Sec. 14. Section 28-1351, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 28-1351 (1) A person commits the offense of unlawful membership
6 recruitment into an organization or association when he or she knowingly
7 and intentionally coerces, intimidates, threatens, or inflicts bodily
8 harm upon another person in order to entice that other person to join or
9 prevent that other person from leaving any organization, group,
10 enterprise, or association whose members, individually or collectively,
11 engage in or have engaged in any of the following criminal acts for the
12 benefit of, at the direction of, or on behalf of the organization, group,
13 enterprise, or association or any of its members:

14 (a) Robbery under section 28-324;

15 (b) Arson in the first, second, or third degree under section
16 28-502, 28-503, or 28-504, respectively;

17 (c) Burglary under section 28-507;

18 (d) Murder in the first degree, murder in the second degree, or
19 manslaughter under section 28-303, 28-304, or 28-305, respectively;

20 (e) Violations of the Uniform Controlled Substances Act that involve
21 possession with intent to deliver, distribution, delivery, or manufacture
22 of a controlled substance;

23 (f) Unlawful use, possession, or discharge of a firearm or other
24 deadly weapon under sections 28-1201 to 28-1212.04 and sections 9, 10,
25 11, and 12 of this act;

26 (g) Assault in the first degree or assault in the second degree
27 under section 28-308 or 28-309, respectively;

28 (h) Assault on an officer, an emergency responder, a state
29 correctional employee, a Department of Health and Human Services
30 employee, or a health care professional in the first, second, or third
31 degree under section 28-929, 28-930, or 28-931, respectively, or assault

1 on an officer, an emergency responder, a state correctional employee, a
2 Department of Health and Human Services employee, or a health care
3 professional using a motor vehicle under section 28-931.01;

4 (i) Theft by unlawful taking or disposition under section 28-511;

5 (j) Theft by receiving stolen property under section 28-517;

6 (k) Theft by deception under section 28-512;

7 (l) Theft by extortion under section 28-513;

8 (m) Kidnapping under section 28-313;

9 (n) Any forgery offense under sections 28-602 to 28-605;

10 (o) Criminal impersonation under section 28-638;

11 (p) Tampering with a publicly exhibited contest under section
12 28-614;

13 (q) Unauthorized use of a financial transaction device or criminal
14 possession of a financial transaction device under section 28-620 or
15 28-621, respectively;

16 (r) Pandering under section 28-802;

17 (s) Bribery, bribery of a witness, or bribery of a juror under
18 section 28-917, 28-918, or 28-920, respectively;

19 (t) Tampering with a witness or an informant or jury tampering under
20 section 28-919;

21 (u) Unauthorized application of graffiti under section 28-524;

22 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal
23 against another under section 28-1005; or

24 (w) Promoting gambling in the first degree under section 28-1102.

25 (2) Unlawful membership recruitment into an organization or
26 association is a Class IV felony.

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

29 28-1354 For purposes of the Public Protection Act:

30 (1) Enterprise means any individual, sole proprietorship,
31 partnership, corporation, trust, association, or any legal entity, union,

1 or group of individuals associated in fact although not a legal entity,
2 and shall include illicit as well as licit enterprises as well as other
3 entities;

4 (2) Pattern of racketeering activity means a cumulative loss for one
5 or more victims or gains for the enterprise of not less than one thousand
6 five hundred dollars resulting from at least two acts of racketeering
7 activity, one of which occurred after August 30, 2009, and the last of
8 which occurred within ten years, excluding any period of imprisonment,
9 after the commission of a prior act of racketeering activity;

10 (3) Until January 1, 2017, person means any individual or entity, as
11 defined in section 21-2014, holding or capable of holding a legal,
12 equitable, or beneficial interest in property. Beginning January 1, 2017,
13 person means any individual or entity, as defined in section 21-214,
14 holding or capable of holding a legal, equitable, or beneficial interest
15 in property;

16 (4) Prosecutor includes the Attorney General of the State of
17 Nebraska, the deputy attorney general, assistant attorneys general, a
18 county attorney, a deputy county attorney, or any person so designated by
19 the Attorney General, a county attorney, or a court of the state to carry
20 out the powers conferred by the act;

21 (5) Racketeering activity includes the commission of, criminal
22 attempt to commit, conspiracy to commit, aiding and abetting in the
23 commission of, aiding in the consummation of, acting as an accessory to
24 the commission of, or the solicitation, coercion, or intimidation of
25 another to commit or aid in the commission of any of the following:

26 (a) Offenses against the person which include: Murder in the first
27 degree under section 28-303; murder in the second degree under section
28 28-304; manslaughter under section 28-305; assault in the first degree
29 under section 28-308; assault in the second degree under section 28-309;
30 assault in the third degree under section 28-310; terroristic threats
31 under section 28-311.01; kidnapping under section 28-313; false

1 imprisonment in the first degree under section 28-314; false imprisonment
2 in the second degree under section 28-315; sexual assault in the first
3 degree under section 28-319; and robbery under section 28-324;

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

18 (c) Offenses against property which include: Arson in the first
19 degree under section 28-502; arson in the second degree under section
20 28-503; arson in the third degree under section 28-504; burglary under
21 section 28-507; theft by unlawful taking or disposition under section
22 28-511; theft by shoplifting under section 28-511.01; theft by deception
23 under section 28-512; theft by extortion under section 28-513; theft of
24 services under section 28-515; theft by receiving stolen property under
25 section 28-517; criminal mischief under section 28-519; and unlawfully
26 depriving or obtaining property or services using a computer under
27 section 28-1344;

28 (d) Offenses involving fraud which include: Burning to defraud an
29 insurer under section 28-505; forgery in the first degree under section
30 28-602; forgery in the second degree under section 28-603; criminal
31 possession of a forged instrument under section 28-604; criminal

1 possession of written instrument forgery devices under section 28-605;
2 criminal impersonation under section 28-638; identity theft under section
3 28-639; identity fraud under section 28-640; false statement or book
4 entry under section 28-612; tampering with a publicly exhibited contest
5 under section 28-614; issuing a false financial statement for purposes of
6 obtaining a financial transaction device under section 28-619;
7 unauthorized use of a financial transaction device under section 28-620;
8 criminal possession of a financial transaction device under section
9 28-621; unlawful circulation of a financial transaction device in the
10 first degree under section 28-622; unlawful circulation of a financial
11 transaction device in the second degree under section 28-623; criminal
12 possession of a blank financial transaction device under section 28-624;
13 criminal sale of a blank financial transaction device under section
14 28-625; criminal possession of a financial transaction forgery device
15 under section 28-626; unlawful manufacture of a financial transaction
16 device under section 28-627; laundering of sales forms under section
17 28-628; unlawful acquisition of sales form processing services under
18 section 28-629; unlawful factoring of a financial transaction device
19 under section 28-630; and fraudulent insurance acts under section 28-631;

20 (e) Offenses involving governmental operations which include: Abuse
21 of public records under section 28-911; perjury or subornation of perjury
22 under section 28-915; bribery under section 28-917; bribery of a witness
23 under section 28-918; tampering with a witness or informant or jury
24 tampering under section 28-919; bribery of a juror under section 28-920;
25 assault on an officer, an emergency responder, a state correctional
26 employee, a Department of Health and Human Services employee, or a health
27 care professional in the first degree under section 28-929; assault on an
28 officer, an emergency responder, a state correctional employee, a
29 Department of Health and Human Services employee, or a health care
30 professional in the second degree under section 28-930; assault on an
31 officer, an emergency responder, a state correctional employee, a

1 Department of Health and Human Services employee, or a health care
2 professional in the third degree under section 28-931; and assault on an
3 officer, an emergency responder, a state correctional employee, a
4 Department of Health and Human Services employee, or a health care
5 professional using a motor vehicle under section 28-931.01;

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

10 (g) Offenses relating to firearms, weapons, and explosives which
11 include: Carrying a concealed weapon under section 28-1202;
12 transportation or possession of machine guns, short rifles, or short
13 shotguns under section 28-1203; unlawful possession of a handgun under
14 section 28-1204; unlawful transfer of a firearm to a juvenile under
15 section 28-1204.01; possession of a firearm by a prohibited juvenile
16 offender under section 28-1204.05; using a deadly weapon to commit a
17 felony, ~~or~~ possession of a deadly weapon during the commission of a
18 felony, or carrying a firearm or destructive device during the commission
19 of a dangerous misdemeanor under section 28-1205; possession of a deadly
20 weapon by a prohibited person under section 28-1206; possession of a
21 defaced firearm under section 28-1207; defacing a firearm under section
22 28-1208; unlawful discharge of a firearm under section 28-1212.02;
23 possession, receipt, retention, or disposition of a stolen firearm under
24 section 28-1212.03; unlawful possession of explosive materials in the
25 first degree under section 28-1215; unlawful possession of explosive
26 materials in the second degree under section 28-1216; unlawful sale of
27 explosives under section 28-1217; use of explosives without a permit
28 under section 28-1218; obtaining an explosives permit through false
29 representations under section 28-1219; possession of a destructive device
30 under section 28-1220; threatening the use of explosives or placing a
31 false bomb under section 28-1221; using explosives to commit a felony

1 under section 28-1222; using explosives to damage or destroy property
2 under section 28-1223; and using explosives to kill or injure any person
3 under section 28-1224;

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

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

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

15 (k) A violation of the Computer Crimes Act;

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

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

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

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

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

30 69-2429 For purposes of the Concealed Handgun Permit Act:

31 (1) Concealed handgun means a the handgun that is entirely obscured

1 ~~totally hidden~~ from view. If any part of the handgun is capable of being
2 ~~seen or observed by another person~~, it is not a concealed handgun;

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

8 ~~(2) (3)~~ Handgun means any firearm with a barrel less than sixteen
9 inches in length or any firearm designed to be held and fired by the use
10 of a single hand;

11 ~~(3) (4)~~ Peace officer means any town marshal, chief of police or
12 local police officer, sheriff or deputy sheriff, the Superintendent of
13 Law Enforcement and Public Safety, any officer of the Nebraska State
14 Patrol, any member of the National Guard on active service by direction
15 of the Governor during periods of emergency or civil disorder, any Game
16 and Parks Commission conservation officer, and all other persons with
17 similar authority to make arrests;

18 ~~(4) (5)~~ Permitholder means an individual holding a current and valid
19 permit to carry a concealed handgun issued pursuant to the Concealed
20 Handgun Permit Act; and

21 ~~(5) (6)~~ Proof of training means an original document or certified
22 copy of a document, supplied by an applicant, that certifies that he or
23 she either:

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

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

31 Sec. 17. Section 69-2435, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

10 Sec. 18. Section 69-2436, Revised Statutes Cumulative Supplement,
11 2022, is 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 permitholder's permit to
16 carry 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 (2) ~~(4)~~ of section 69-2443. The renewal fee is
19 fifty dollars, and renewal may be applied for no earlier than four months
20 before expiration of the permit and no later than thirty business days
21 after the date of expiration of the permit. At least four months before
22 expiration of a permit to carry a concealed handgun, the Nebraska State
23 Patrol shall send to the permitholder by United States mail or
24 electronically notice of expiration of the permit.

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

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

30 69-2439 (1) Any peace officer having probable cause to believe that
31 a permitholder is no longer in compliance with one or more requirements

1 of section 69-2433, except as provided in subsection (2) ~~(4)~~ of section
2 69-2443, shall bring an application for revocation of the permit to be
3 prosecuted as provided in subsection (2) of this section.

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

10 (3) The case shall be prosecuted as a civil case, and the permit
11 shall be revoked upon a showing by a preponderance of the evidence that
12 the permitholder does not meet one or more of the requirements of section
13 69-2433, except as provided in subsection (2) ~~(4)~~ of section 69-2443.

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

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

22 69-2442 (1) Any time the discharge of a handgun carried by a
23 permitholder pursuant to the Concealed Handgun Permit Act results in
24 injury to a person or damage to property, the permitholder shall make a
25 report of such incident to the Nebraska State Patrol on a form designed
26 and distributed by the Nebraska State Patrol. The information from the
27 report shall be maintained as provided in section 69-2444.

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

31 Sec. 21. Section 69-2443, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

8 (1) (3) A permitholder convicted of a violation of section 11 or 12
9 of this act or section 69-2440 or 69-2442 may also have his or her permit
10 revoked.

11 (2) (4) A permitholder convicted of a violation of section 9 or 10
12 of this act 69-2441 that occurred on property owned by the state or any
13 political subdivision of the state may also have his or her permit
14 revoked. A permitholder convicted of a violation of section 9 or 10 of
15 this act 69-2441 that did not occur on property owned by the state or any
16 political subdivision of the state shall not have his or her permit
17 revoked for a first offense but may have his or her permit revoked for
18 any second or subsequent offense.

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

21 69-2445 Nothing in the Concealed Handgun Permit Act prevents a
22 person not otherwise prohibited from possessing or carrying a concealed
23 handgun by state law from carrying a concealed weapon without a permit as
24 permitted under section 28-1202.

25 Sec. 23. Original sections 14-102, 15-255, 16-227, 17-556, 18-1703,
26 28-1205, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443,
27 and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101,
28 28-1201, 28-1202, 28-1351, 28-1354, and 69-2436, Revised Statutes
29 Cumulative Supplement, 2022, are repealed.