

AMENDMENTS TO LB539

Introduced by Judiciary.

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

3 **Section 1.** Section 69-2403, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 69-2403 (1) Except as provided in this section ~~and section 69-2409,~~
6 a person shall not:

7 (a) Purchase ~~purchase,~~ lease, rent, or receive transfer of a handgun
8 until he or she has obtained a certificate in accordance with section
9 69-2404; ~~or . Except as provided in this section and section 69-2409, a~~
10 ~~person shall not sell~~

11 (b) Sell, lease, rent, or transfer a handgun to a person who has not
12 obtained a certificate.

13 (2) The certificate shall not be required if:

14 (a) The person acquiring the handgun is a licensed firearms dealer
15 under federal law;

16 (b) The handgun is an antique handgun;

17 (c) The person acquiring the handgun is authorized to do so on
18 behalf of a law enforcement agency;

19 (d) The transfer is a temporary transfer of a handgun and the
20 transferee remains (i) in the line of sight of the transferor or (ii)
21 within the premises of an established shooting facility;

22 (e) The transfer is between a person and his or her spouse, sibling,
23 parent, child, aunt, uncle, niece, nephew, or grandparent;

24 (f) The person acquiring the handgun is a holder of a valid permit
25 under the Concealed Handgun Permit Act; or

26 (g) The person acquiring the handgun is a peace officer as defined
27 in section 69-2429.

1 **Sec. 2.** Section 69-2409.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-2409.01 (1)(a) ~~(1)~~ For purposes of criminal history record
4 information checks relating to firearms or explosives sections 69-2401 to
5 69-2425, the Nebraska State Patrol shall be furnished with only such
6 information as may be necessary for the purposes ~~sole purpose~~ of
7 determining whether an individual is:

8 (i) Qualified to receive a permit to carry a concealed handgun under
9 section 69-2433; or

10 (ii) Disqualified ~~disqualified~~ from purchasing or possessing
11 firearms or explosives a handgun pursuant to state or federal law ~~or is~~
12 ~~subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4).~~

13 ~~(b) Such information shall be furnished by the Department of Health~~
14 ~~and Human Services.~~ The clerks of the various courts shall furnish to the
15 Department of Health and Human Services and Nebraska State Patrol, as
16 soon as practicable but within thirty days after a court order is issued,
17 in a form and manner prescribed by the Department of Health and Human
18 Services or the Nebraska State Patrol, as applicable ~~an order of~~
19 ~~commitment or discharge is issued or after removal of firearm-related~~
20 ~~disabilities pursuant to section 71-963, all information necessary to set~~
21 ~~up and maintain the database required by this section.~~ The clerks of the
22 various courts shall furnish ~~This information shall include~~ ~~(a)~~
23 information regarding those persons who:

24 (i) Are disqualified from purchasing or possessing firearms or
25 explosives pursuant to state or federal law, including, but not limited
26 to, 18 U.S.C. 922(d)(4) and (g)(4);

27 (ii) Are ~~are~~ currently receiving mental health treatment pursuant to
28 a commitment order of a mental health board or who have been
29 discharged; ~~;~~

30 (iii) Have ~~(b) information regarding those persons who have been~~
31 committed to treatment pursuant to section 29-3702; ~~;~~ ~~and~~

1 (iv) Meet the definition of adjudicated as a mental defective or
2 committed to a mental institution pursuant to 27 C.F.R. 478.11, including
3 individuals found not responsible by reason of insanity, found not
4 competent to stand trial, found to lack the mental capacity to manage
5 their own affairs, or otherwise found by a court to be not competent; and

6 (v) Have ~~(c) information regarding those persons who have had~~
7 firearm-related disabilities removed pursuant to section 71-963.

8 (c) The mental health board shall notify the Department of Health
9 and Human Services and the Nebraska State Patrol when an individual's
10 firearm-related such disabilities have been removed pursuant to section
11 71-963.

12 (d) The department ~~Department of Health and Human Services shall~~
13 ~~also~~ maintain in the database information provided by the clerks of the
14 various courts pursuant to this section and a listing of persons
15 committed to treatment pursuant to section 29-3702.

16 (e) To ensure the accuracy of the database, any information
17 maintained or disclosed under this subsection shall be updated,
18 corrected, modified, or removed, as appropriate, and as soon as
19 practicable, from any database that the state or federal government
20 maintains and makes available to the National Instant Criminal Background
21 Check System. The procedures for furnishing the information shall
22 guarantee that no information is released beyond what is necessary for
23 purposes of this section.

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

30 (3) Any person, agency, or mental health board participating in good
31 faith in the reporting or disclosure of records and communications under

1 this section is immune from any liability, civil, criminal, or otherwise,
2 that might result by reason of the action.

3 (4) Any person who intentionally causes the Nebraska State Patrol to
4 request information pursuant to this section without reasonable belief
5 that the named individual has submitted a written application under
6 section 69-2404 or 69-2430 or is otherwise subject to a criminal history
7 record information check pursuant to law ~~has completed a consent form~~
8 ~~under section 69-2410~~ shall be guilty of a Class II misdemeanor in
9 addition to other civil or criminal liability under state or federal law.

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

27 **Sec. 3.** Section 69-2410, Reissue Revised Statutes of Nebraska, is
28 amended to read:

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

1 has:

2 ~~(1) (1)(a)~~ Inspected a valid certificate issued to such person
3 pursuant to sections 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

4 ~~(2) (b)~~ Inspected a valid identification containing a photograph of
5 such person which appropriately and completely identifies such person. ÷
6 or

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

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

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

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

23 **Sec. 4.** Section 69-2420, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 69-2420 Any person who, in connection with the purchase, transfer,
26 or attempted purchase of a handgun pursuant to section ~~sections~~ 69-2410
27 ~~to 69-2423~~, knowingly and intentionally makes any materially false oral
28 or written statement or knowingly and intentionally furnishes any false
29 identification intended or likely to deceive the licensee shall be guilty
30 of a Class IV felony.

31 **Sec. 5.** Original sections 69-2403, 69-2409.01, 69-2410, and

1 69-2420, Reissue Revised Statutes of Nebraska, are repealed.

2 **Sec. 6.** The following sections are outright repealed: Sections

3 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417,

4 69-2418, 69-2419, and 69-2423, Reissue Revised Statutes of Nebraska.