

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 773

Introduced by Brewer, 43; Albrecht, 17; Bostelman, 23; Brieese, 41;
Clements, 2; Erdman, 47; Flood, 19; Gragert, 40; Groene,
42; Halloran, 33; Hansen, B., 16; Lindstrom, 18; McDonnell,
5; Murman, 38; Slama, 1.

Read first time January 05, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to firearms; to amend sections 18-1703,
2 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443, and
3 69-2445, Reissue Revised Statutes of Nebraska, sections 14-102,
4 15-255, 16-227, 17-556, 28-101, 28-1201, and 28-1351, Revised
5 Statutes Cumulative Supplement, 2020, and sections 28-1202 and
6 69-2436, Revised Statutes Supplement, 2021; to prohibit regulation
7 of the carrying of concealed handguns by cities, villages, and
8 counties; to provide for the carrying of a concealed handgun without
9 a permit; to provide for requirements, limits, and offenses relating
10 to carrying a concealed handgun; to change provisions of the
11 Concealed Handgun Permit Act; to provide penalties; to change,
12 provide, and eliminate definitions; to harmonize provisions; and to
13 repeal the original sections.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-102, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 14-102 In addition to the powers granted in section 14-101, cities
4 of the metropolitan class shall have power by ordinance:

5 Taxes, special assessments.

6 (1) To levy any tax or special assessment authorized by law;
7 Corporate seal.

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

13 Regulation of public health.

14 (3) To provide all needful rules and regulations for the protection
15 and preservation of health within the city; and for this purpose they may
16 provide for the enforcement of the use of water from public water
17 supplies when the use of water from other sources shall be deemed unsafe;

18 Appropriations for debts and expenses.

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

21 Protection of strangers and travelers.

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

25 ~~Firearms~~ ~~Concealed weapons, firearms, fireworks, explosives.~~

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

1 Sale of foodstuffs.

2 (7) To regulate the inspection and sale of meats, flour, poultry,
3 fish, milk, vegetables, and all other provisions or articles of food
4 exposed or offered for sale in the city;

5 Official bonds.

6 (8) To require all officers or servants elected or appointed to give
7 bond and security for the faithful performance of their duties; but no
8 officer shall become security upon the official bond of another or upon
9 any bond executed to the city;

10 Official reports of city officers.

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

14 Cruelty to children and animals.

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

17 Dogs; taxes and restrictions.

18 (11) To regulate, license, or prohibit the running at large of dogs
19 and other animals within the city as well as in areas within three miles
20 of the corporate limits of the city, to guard against injuries or
21 annoyance from such dogs and other animals, and to authorize the
22 destruction of the dogs and other animals when running at large contrary
23 to the provisions of any ordinance. Any licensing provision shall comply
24 with subsection (2) of section 54-603 for service animals;

25 Cleaning sidewalks.

26 (12) To provide for keeping sidewalks clean and free from
27 obstructions and accumulations, to provide for the assessment and
28 collection of taxes on real estate and for the sale and conveyance
29 thereof, and to pay the expenses of keeping the sidewalk adjacent to such
30 real estate clean and free from obstructions and accumulations as herein
31 provided;

1 Planting and trimming of trees; protection of birds.

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

12 Naming and numbering streets and houses.

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

17 Weeds.

18 (15) To require weeds and worthless vegetation growing upon any lot
19 or piece of ground within the city or its three-mile zoning jurisdiction
20 to be cut and destroyed so as to abate any nuisance occasioned thereby,
21 to prohibit and control the throwing, depositing, or accumulation of
22 litter on any lot or piece of ground within the city or its three-mile
23 zoning jurisdiction and to require the removal thereof so as to abate any
24 nuisance occasioned thereby, and if the owner fails to cut and destroy
25 weeds and worthless vegetation or remove litter, or both, after notice as
26 required by ordinance, to assess the cost thereof upon the lots or lands
27 as a special assessment. The notice required to be given may be by
28 publication in the official newspaper of the city and may be directed in
29 general terms to the owners of lots and lands affected without naming
30 such owners;

31 Animals running at large.

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

9 Use of streets.

10 (17) To regulate the transportation of articles through the streets,
11 to prevent injuries to the streets from overloaded vehicles, and to
12 regulate the width of wagon tires and tires of other vehicles;

13 Playing on streets and sidewalks.

14 (18) To prevent or regulate the rolling of hoops, playing of ball,
15 flying of kites, the riding of bicycles or tricycles, or any other
16 amusement or practice having a tendency to annoy persons passing in the
17 streets or on the sidewalks or to frighten teams or horses; to regulate
18 the use of vehicles propelled by steam, gas, electricity, or other motive
19 power, operated on the streets of the city;

20 Combustibles and explosives.

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

23 Public sale of chattels on streets.

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

27 Signs and obstruction in streets.

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

1 posting of advertisements or handbills in the streets or public grounds
2 or upon the sidewalks;

3 Disorderly conduct.

4 (22) To provide for the punishment of persons disturbing the peace
5 and good order of the city by clamor and noise, intoxication,
6 drunkenness, fighting, or using obscene or profane language in the
7 streets or other public places or otherwise violating the public peace by
8 indecent or disorderly conduct or by lewd and lascivious behavior;

9 Vagrants and tramps.

10 (23) To provide for the punishment of vagrants, tramps, common
11 street beggars, common prostitutes, habitual disturbers of the peace,
12 pickpockets, gamblers, burglars, thieves, or persons who practice any
13 game, trick, or device with intent to swindle, persons who abuse their
14 families, and suspicious persons who can give no reasonable account of
15 themselves; and to punish trespassers upon private property;

16 Disorderly houses, gambling, offenses against public morals.

17 (24) To prohibit, restrain, and suppress tippling shops, houses of
18 prostitution, opium joints, gambling houses, prize fighting, dog
19 fighting, cock fighting, and other disorderly houses and practices, all
20 games and gambling and desecration of the Sabbath, commonly called
21 Sunday, and all kinds of indecencies; to regulate and license or prohibit
22 the keeping and use of billiard tables, ten pins or ball alleys, shooting
23 galleries except as provided in the Nebraska Shooting Range Protection
24 Act, and other similar places of amusement; and to prohibit and suppress
25 all lotteries and gift enterprises of all kinds under whatsoever name
26 carried on, except that nothing in this subdivision shall be construed to
27 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
28 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
29 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
30 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

31 Police regulation in general.

1 (25) To make and enforce all police regulations for the good
2 government, general welfare, health, safety, and security of the city and
3 the citizens thereof in addition to the police powers expressly granted
4 herein; and in the exercise of the police power, to pass all needful and
5 proper ordinances and impose fines, forfeitures, penalties, and
6 imprisonment at hard labor for the violation of any ordinance, and to
7 provide for the recovery, collection, and enforcement thereof; and in
8 default of payment to provide for confinement in the city or county
9 prison, workhouse, or other place of confinement with or without hard
10 labor as may be provided by ordinance;

11 Fast driving on streets.

12 (26) To prevent horseracing and immoderate driving or riding on the
13 street and to compel persons to fasten their horses or other animals
14 attached to vehicles while standing in the streets;

15 Libraries, art galleries, and museums.

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

23 Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

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

1 collected pursuant to this subdivision shall be credited to a single fund
2 to be used exclusively by the city for the removal, disposal, or
3 recycling of garbage and refuse, or all of the same, including any costs
4 incurred for collecting the fee. Before any contract for such removal,
5 disposal, or recycling is let, the city council shall make specifications
6 therefor, 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 Market places.

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

25 Cemeteries, registers of births and deaths.

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

31 Plumbing, etc., inspection.

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

5 Fire limits and fire protection.

6 (32) To prescribe fire limits and regulate the erection of all
7 buildings and other structures within the corporate limits; to provide
8 for the removal of any buildings or structures or additions thereto
9 erected contrary to such regulations, to provide for the removal of
10 dangerous buildings, and to provide that wooden buildings shall not be
11 erected or placed or repaired in the fire limits; but such ordinance
12 shall not be suspended or modified by resolution nor shall exceptions be
13 made by ordinance or resolution in favor of any person, firm, or
14 corporation or concerning any particular lot or building; to direct that
15 all and any building within such fire limits, when the same shall have
16 been damaged by fire, decay, or otherwise, to the extent of fifty percent
17 of the value of a similar new building above the foundation, shall be
18 torn down or removed; and to prescribe the manner of ascertaining such
19 damages and to assess the cost of removal of any building erected or
20 existing contrary to such regulations or provisions, against the lot or
21 real estate upon which such building or structure is located or shall be
22 erected, or to collect such costs from the owner of any such building or
23 structure and enforce such collection by civil action in any court of
24 competent jurisdiction;

25 Building regulations.

26 (33) To regulate the construction, use, and maintenance of party
27 walls, to prescribe and regulate the thickness, strength, and manner of
28 constructing stone, brick, wood, or other buildings and the size and
29 shape of brick and other material placed therein, to prescribe and
30 regulate the construction and arrangement of fire escapes and the placing
31 of iron and metallic shutters and doors therein and thereon, and to

1 provide for the inspection of elevators and hoist-way openings to avoid
2 accidents; to prescribe, regulate, and provide for the inspection of all
3 plumbing, pipefitting, or sewer connections in all houses or buildings
4 now or hereafter erected; to regulate the size, number, and manner of
5 construction of halls, doors, stairways, seats, aisles, and passageways
6 of theaters, tenement houses, audience rooms, and all buildings of a
7 public character, whether now built or hereafter to be built, so that
8 there may be convenient, safe, and speedy exit in case of fire; to
9 prevent the dangerous construction and condition of chimneys, fireplaces,
10 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
11 in or about any building or a manufactory and to cause the same to be
12 removed or placed in safe condition when they are considered dangerous;
13 to regulate and prevent the carrying on of manufactures dangerous in
14 causing and promoting fires; to prevent the deposit of ashes in unsafe
15 places and to cause such buildings and enclosures as may be in a
16 dangerous state to be put in a safe condition; to prevent the disposing
17 of and delivery or use in any building or other structure, of soft,
18 shelly, or imperfectly burned brick or other unsuitable building material
19 within the city limits and provide for the inspection of the same; to
20 provide for the abatement of dense volumes of smoke; to regulate the
21 construction of areaways, stairways, and vaults and to regulate partition
22 fences; to enforce proper heating and ventilation of buildings used for
23 schools, workhouses, or shops of every class in which labor is employed
24 or large numbers of persons are liable to congregate;

25 Warehouses and street railways.

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

30 Lighting railroad property.

31 (35) To require the lighting of any railway within the city, the

1 cars of which are propelled by steam, and to fix and determine the
2 number, size, and style of lampposts, burners, lamps, and all other
3 fixtures and apparatus necessary for such lighting and the points of
4 location for such lampposts; and in case any company owning or operating
5 such railways shall fail to comply with such requirements, the council
6 may cause the same to be done and may assess the expense thereof against
7 such company, and the same shall constitute a lien upon any real estate
8 belonging to such company and lying within such city and may be collected
9 in the same manner as taxes for general purposes;

10 City publicity.

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

13 Offstreet parking.

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

21 Public passenger transportation systems.

22 (38) To acquire, by the exercise of the power of eminent domain or
23 otherwise, lease, purchase, construct, own, maintain, operate, or
24 contract for the operation of public passenger transportation systems,
25 excluding taxicabs and railroad systems, including all property and
26 facilities required therefor, within and without the limits of the city,
27 to redeem such property from prior encumbrance in order to protect or
28 preserve the interest of the city therein, to exercise all powers granted
29 by the Constitution of Nebraska and laws of the State of Nebraska or
30 exercised by or pursuant to a home rule charter adopted pursuant thereto,
31 including, but not limited to, receiving and accepting from the

1 government of the United States or any agency thereof, from the State of
2 Nebraska or any subdivision thereof, and from any person or corporation
3 donations, devises, gifts, bequests, loans, or grants for or in aid of
4 the acquisition, operation, and maintenance of such public passenger
5 transportation systems and to administer, hold, use, and apply the same
6 for the purposes for which such donations, devises, gifts, bequests,
7 loans, or grants may have been made, to negotiate with employees and
8 enter into contracts of employment, to employ by contract or otherwise
9 individuals singularly or collectively, to enter into agreements
10 authorized under the Interlocal Cooperation Act or the Joint Public
11 Agency Act, to contract with an operating and management company for the
12 purpose of operating, servicing, and maintaining any public passenger
13 transportation systems any city of the metropolitan class shall acquire,
14 and to exercise such other and further powers as may be necessary,
15 incident, or appropriate to the powers of such city; and

16 Regulation of air quality.

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

28 Sec. 2. Section 15-255, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 15-255 A city of the primary class may (1) prohibit riots, routs,
31 noise, or disorderly assemblies, (2) prevent the discharge use of

1 firearms, rockets, powder, fireworks, or other dangerous and combustible
2 material, (3) ~~prohibit carrying of concealed weapons, except the carrying~~
3 ~~of a concealed handgun in compliance with the Concealed Handgun Permit~~
4 ~~Act,~~ (4) regulate and prevent the transportation of gunpowder or
5 combustible articles, tar, pitch, resin, coal oil, benzine, turpentine,
6 hemp, cotton, nitroglycerine, dynamite, petroleum or its products, or
7 other explosives or inflammables, (4) (5) regulate use of lights in
8 stables, shops, or other places and building of bonfires, and (5) (6)
9 regulate and prohibit the piling of building material or any excavation
10 or obstruction of the streets.

11 Sec. 3. Section 16-227, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 16-227 A city of the first class may (1) prevent and restrain riots,
14 routs, noises, disturbances, breaches ~~breach~~ of the peace, or disorderly
15 assemblies in any street, house, or place in the city, (2) regulate,
16 punish, and prevent the discharge of firearms, rockets, powder,
17 fireworks, or any other dangerous combustible material in the streets,
18 lots, grounds, and alleys or about or in the vicinity of any buildings,
19 (3) ~~regulate, prevent, and punish the carrying of concealed weapons,~~
20 ~~except the carrying of a concealed handgun in compliance with the~~
21 ~~Concealed Handgun Permit Act,~~ (4) arrest, regulate, punish, or fine
22 vagabonds, (4) (5) regulate and prevent the transportation or storage of
23 gunpowder or other explosive or combustible articles, tar, pitch, resin,
24 coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite,
25 petroleum or any other productions thereof, and other materials of like
26 nature, the use of lights in stables, shops, or other places, and the
27 building of bonfires, and (5) (6) regulate and prohibit the piling of
28 building material or any excavation or obstruction in the street.

29 Sec. 4. Section 17-556, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 17-556 Cities of the second class and villages shall have the power

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

11 Sec. 5. Section 18-1703, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 ~~18-1703~~ Counties, cities, Cities and villages shall not have the
14 power to regulate the ownership, possession, or transportation of a
15 concealed handgun, ~~as such ownership, possession, or transportation is~~
16 ~~authorized under the Concealed Handgun Permit Act,~~ except as expressly
17 provided by state law, and shall not have the power to require
18 registration of a concealed handgun ~~owned, possessed, or transported by a~~
19 ~~permitholder under the act.~~ Any existing county, city, or village
20 ordinance, permit, or regulation regulating the ownership, possession, or
21 transportation of a concealed handgun, ~~as such ownership, possession, or~~
22 ~~transportation is authorized under the act,~~ except as expressly provided
23 under state law, and any existing county, city, or village ordinance,
24 permit, or regulation requiring the registration of a concealed handgun
25 ~~owned, possessed, or transported by a permitholder under the act,~~ is
26 declared to be null and void as against any permitholder possessing a
27 valid permit under the act.

28 Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
31 sections 9, 10, and 11 of this act shall be known and may be cited as the

1 Nebraska Criminal Code.

2 Sec. 7. Section 28-1201, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections
5 9, 10, and 11 of this act, unless the context otherwise requires:

6 (1) 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 (2) (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 (3) (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 (4) (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 (5) (4) Juvenile means any person under the age of eighteen years;

19 (6) (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 (7) (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 ~~(8)~~ ~~(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 ~~(9)~~ ~~(8)~~ School means a public, private, denominational, or parochial
5 elementary, vocational, or secondary school, a private postsecondary
6 career school as defined in section 85-1603, a community college, a
7 public or private college, a junior college, or a university;

8 ~~(10)~~ ~~(9)~~ Short rifle means a rifle having a barrel less than sixteen
9 inches long or an overall length of less than twenty-six inches; and

10 ~~(11)~~ ~~(10)~~ Short shotgun means a shotgun having a barrel or barrels
11 less than eighteen inches long or an overall length of less than twenty-
12 six inches.

13 Sec. 8. Section 28-1202, Revised Statutes Supplement, 2021, is
14 amended to read:

15 28-1202 ~~(1) A prohibited~~ ~~(1)(a) Except as otherwise provided in~~
16 ~~this section, any person shall not carry who carries~~ a weapon or weapons
17 concealed on or about his or her person, such as a handgun, a knife,
18 brass or iron knuckles, or any other deadly weapon, ~~commits the offense~~
19 ~~of carrying a concealed weapon.~~

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

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

29 ~~(3)(a) This section does not apply to storing or transporting a~~
30 ~~firearm in a motor vehicle for any lawful purpose or to transporting a~~
31 ~~firearm directly to or from a motor vehicle to or from any place where~~

1 ~~such firearm may be lawfully possessed or carried by such person, if such~~
2 ~~firearm is unloaded, kept separate from ammunition, and enclosed in a~~
3 ~~case. This subsection shall not apply to any person prohibited by state~~
4 ~~or federal law from possessing, carrying, transporting, shipping, or~~
5 ~~receiving a firearm.~~

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

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

11 (2) A violation of this section is a Class I misdemeanor for a first
12 offense and a (5) In the case of a second or subsequent conviction under
13 this section, carrying a concealed weapon is a Class IV felony for a
14 second or subsequent offense.

15 (3) Prohibited person means a person prohibited from possessing a
16 firearm by section 28-1206.

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

19 ~~69-2441~~ (1)(a) A person not otherwise prohibited by state law from
20 possessing or carrying a concealed handgun ~~A permitholder~~ may carry a
21 concealed handgun anywhere in Nebraska, except any: Police, sheriff, or
22 Nebraska State Patrol station or office; detention facility, prison, or
23 jail; courtroom or building which contains a courtroom; polling place
24 during a bona fide election; meeting of the governing body of a county,
25 public school district, municipality, or other political subdivision;
26 meeting of the Legislature or a committee of the Legislature; financial
27 institution; professional or semiprofessional athletic event; building,
28 grounds, vehicle, or sponsored activity or athletic event of any public,
29 private, denominational, or parochial elementary, vocational, or
30 secondary school, a private postsecondary career school as defined in
31 section 85-1603, a community college, or a public or private college,

1 junior college, or university; place of worship; hospital, emergency
2 room, or trauma center; political rally or fundraiser; establishment
3 having a license issued under the Nebraska Liquor Control Act that
4 derives over one-half of its total income from the sale of alcoholic
5 liquor; place where the possession or carrying of a firearm is prohibited
6 by state or federal law; a place or premises where the person, persons,
7 entity, or entities in control of the property or employer in control of
8 the property has prohibited ~~the permitholders from~~ carrying of concealed
9 handguns into or onto the place or premises; or into or onto any other
10 place or premises where handguns are prohibited by state law.

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

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

20 ~~(i) Each so long as each~~ member of the security personnel, as
21 authorized, is not otherwise prohibited by state law from possessing or
22 carrying a concealed handgun and is in compliance with sections 9, 10,
23 and 11 of this act; the Concealed Handgun Permit Act and possesses a
24 ~~permit to carry a concealed handgun issued pursuant to the act~~

25 ~~(ii) Written and written~~ notice is given to the congregation; and

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

29 (2) If a person, persons, entity, or entities in control of the
30 property or an employer in control of the property prohibits the a
31 ~~permitholder from~~ carrying of a concealed handgun into or onto the place

1 or premises and such place or premises are open to the public, a person
2 ~~permitholder~~ does not violate this section unless the person, persons,
3 entity, or entities in control of the property or employer in control of
4 the property has posted conspicuous notice that carrying a concealed
5 handgun is prohibited in or on the place or premises or has made a
6 request, directly or through an authorized representative or management
7 personnel, that the person ~~permitholder~~ remove the concealed handgun from
8 the place or premises.

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

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

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

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

1 ~~therapeutically prescribed amounts.~~

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

6 (a) Is consuming alcohol; or

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

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

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

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

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

20 (4) For purposes of this section, case means (a) a hard-sided or
21 soft-sided box, container, or receptacle intended or designed for the
22 primary purpose of storing or transporting a firearm or (b) the firearm
23 manufacturer's original packaging.

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

27 Sec. 11. Section 69-2440, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 ~~69-2440~~ (1) This section applies to a person who is not otherwise
30 prohibited by state law from possessing or carrying a concealed handgun.

31 (2) Except as provided in subsection (5) of this section, any time a

1 person is carrying a concealed handgun, such person shall also carry such
2 person's identification document ~~(1) A permitholder shall carry his or~~
3 ~~her permit to carry a concealed handgun and his or her Nebraska driver's~~
4 ~~license, Nebraska-issued state identification card, or military~~
5 ~~identification card any time he or she carries a concealed handgun. The~~
6 person permitholder shall display both the identification document ~~permit~~
7 ~~to carry a concealed handgun and his or her Nebraska motor vehicle~~
8 ~~operator's license, Nebraska-issued state identification card, or~~
9 ~~military identification card~~ when asked to do so by a peace officer or by
10 emergency services personnel.

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

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

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

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

11 (5) A person is not required to comply with this section if such
12 person is transporting a concealed handgun in a motor vehicle and such
13 firearm is unloaded, kept separate from ammunition, and enclosed in a
14 case.

15 (6) (4) For purposes of this section:

16 (a) Case means (i) a hard-sided or soft-sided box, container, or
17 receptacle intended or designed for the primary purpose of storing or
18 transporting a firearm or (ii) the firearm manufacturer's original
19 packaging;

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

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

31 (d) Identification document means a valid:

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

2 (ii) State identification card;

3 (iii) Military identification card;

4 (iv) Alien registration card; or

5 (v) Passport; and

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

13 (7) A violation of:

14 (a) Subsection (2) or (3) of this section is a Class III misdemeanor
15 for a first offense and a Class I misdemeanor for any second or
16 subsequent offense; and

17 (b) Subsection (4) of this section is a Class I misdemeanor.

18 Sec. 12. Section 28-1351, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 28-1351 (1) A person commits the offense of unlawful membership
21 recruitment into an organization or association when he or she knowingly
22 and intentionally coerces, intimidates, threatens, or inflicts bodily
23 harm upon another person in order to entice that other person to join or
24 prevent that other person from leaving any organization, group,
25 enterprise, or association whose members, individually or collectively,
26 engage in or have engaged in any of the following criminal acts for the
27 benefit of, at the direction of, or on behalf of the organization, group,
28 enterprise, or association or any of its members:

29 (a) Robbery under section 28-324;

30 (b) Arson in the first, second, or third degree under section
31 28-502, 28-503, or 28-504, respectively;

1 (c) Burglary under section 28-507;

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

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

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

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

12 (h) Assault on an officer, an emergency responder, a state
13 correctional employee, a Department of Health and Human Services
14 employee, or a health care professional in the first, second, or third
15 degree under section 28-929, 28-930, or 28-931, respectively, or assault
16 on an officer, an emergency responder, a state correctional employee, a
17 Department of Health and Human Services employee, or a health care
18 professional using a motor vehicle under section 28-931.01;

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

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

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

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

23 (m) Kidnapping under section 28-313;

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

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

26 (p) Tampering with a publicly exhibited contest under section
27 28-614;

28 (q) Unauthorized use of a financial transaction device or criminal
29 possession of a financial transaction device under section 28-620 or
30 28-621, respectively;

31 (r) Pandering under section 28-802;

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

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

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

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

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

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

11 Sec. 13. Section 69-2429, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 69-2429 For purposes of the Concealed Handgun Permit Act:

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

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

22 (2) ~~(3)~~ Handgun means any firearm with a barrel less than sixteen
23 inches in length or any firearm designed to be held and fired by the use
24 of a single hand;

25 (3) ~~(4)~~ Peace officer means any town marshal, chief of police or
26 local police officer, sheriff or deputy sheriff, the Superintendent of
27 Law Enforcement and Public Safety, any officer of the Nebraska State
28 Patrol, any member of the National Guard on active service by direction
29 of the Governor during periods of emergency or civil disorder, any Game
30 and Parks Commission conservation officer, and all other persons with
31 similar authority to make arrests;

1 ~~(4)~~ ~~(5)~~ Permitholder means an individual holding a current and valid
2 permit to carry a concealed handgun issued pursuant to the Concealed
3 Handgun Permit Act; and

4 ~~(5)~~ ~~(6)~~ Proof of training means an original document or certified
5 copy of a document, supplied by an applicant, that certifies that he or
6 she either:

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

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

14 Sec. 14. Section 69-2435, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 69-2435 A permitholder shall continue to meet the requirements of
17 section 69-2433 during the time he or she holds the permit, except as
18 provided in subsection ~~(2)~~ ~~(4)~~ of section 69-2443. If, during such time,
19 a permitholder does not continue to meet one or more of the requirements,
20 the permitholder shall return his or her permit to the Nebraska State
21 Patrol for revocation. If a permitholder does not return his or her
22 permit, the permitholder is subject to having his or her permit revoked
23 under section 69-2439.

24 Sec. 15. Section 69-2436, Revised Statutes Supplement, 2021, is
25 amended to read:

26 69-2436 (1) A permit to carry a concealed handgun is valid
27 throughout the state for a period of five years after the date of
28 issuance. The fee for issuing a permit is one hundred dollars.

29 (2) The Nebraska State Patrol shall renew a permitholder's permit to
30 carry a concealed handgun for a renewal period of five years, subject to
31 continuing compliance with the requirements of section 69-2433, except as

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

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

11 Sec. 16. Section 69-2439, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 69-2439 (1) Any peace officer having probable cause to believe that
14 a permitholder is no longer in compliance with one or more requirements
15 of section 69-2433, except as provided in subsection (2) ~~(4)~~ of section
16 69-2443, shall bring an application for revocation of the permit to be
17 prosecuted as provided in subsection (2) of this section.

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

24 (3) The case shall be prosecuted as a civil case, and the permit
25 shall be revoked upon a showing by a preponderance of the evidence that
26 the permitholder does not meet one or more of the requirements of section
27 69-2433, except as provided in subsection (2) ~~(4)~~ of section 69-2443.

28 (4) A person who has his or her permit revoked under this section
29 may be fined up to one thousand dollars and shall be charged with the
30 costs of the prosecution. The money collected under this subsection as an
31 administrative fine shall be remitted to the State Treasurer for

1 distribution in accordance with Article VII, section 5, of the
2 Constitution of Nebraska.

3 Sec. 17. Section 69-2442, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 69-2442 (1) Any time the discharge of a handgun carried by a
6 permitholder pursuant to the Concealed Handgun Permit Act results in
7 injury to a person or damage to property, the permitholder shall make a
8 report of such incident to the Nebraska State Patrol on a form designed
9 and distributed by the Nebraska State Patrol. The information from the
10 report shall be maintained as provided in section 69-2444.

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

14 Sec. 18. Section 69-2443, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 69-2443 ~~(1) A permitholder who violates subsection (1) or (2) of~~
17 ~~section 69-2440 or section 69-2441 or 69-2442 is guilty of a Class III~~
18 ~~misdemeanor for the first violation and a Class I misdemeanor for any~~
19 ~~second or subsequent violation.~~

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

22 (1) (3) A permitholder convicted of a violation of section 11 of
23 this act or section 69-2440 or 69-2442 may also have his or her permit
24 revoked.

25 (2) (4) A permitholder convicted of a violation of section 9 of this
26 act 69-2441 that occurred on property owned by the state or any political
27 subdivision of the state may also have his or her permit revoked. A
28 permitholder convicted of a violation of section 9 of this act 69-2441
29 that did not occur on property owned by the state or any political
30 subdivision of the state shall not have his or her permit revoked for a
31 first offense but may have his or her permit revoked for any second or

1 subsequent offense.

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

4 69-2445 Nothing in the Concealed Handgun Permit Act prevents a
5 person not otherwise prohibited from possessing or carrying a concealed
6 handgun by state law from carrying a concealed weapon without a permit as
7 ~~permitted under section 28-1202.~~

8 Sec. 20. Original sections 18-1703, 69-2429, 69-2435, 69-2439,
9 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes
10 of Nebraska, sections 14-102, 15-255, 16-227, 17-556, 28-101, 28-1201,
11 and 28-1351, Revised Statutes Cumulative Supplement, 2020, and sections
12 28-1202 and 69-2436, Revised Statutes Supplement, 2021, are repealed.