

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 692**

Introduced by Hudkins, 21

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section  
2 28-1212.01, Reissue Revised Statutes of Nebraska, and  
3 section 28-101, Revised Statutes Cumulative Supplement,  
4 2006; to prohibit the intentional discharge of a firearm  
5 within two hundred yards of an inhabited dwelling house  
6 or occupied building as prescribed; to provide a penalty;  
7 to harmonize provisions; and to repeal the original  
8 sections.

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

1           Section 1. Section 28-101, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           28-101 Sections 28-101 to 28-1350 and section 3 of this  
4 act shall be known and may be cited as the Nebraska Criminal Code.

5           Sec. 2. Section 28-1212.01, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           28-1212.01 For purposes of section 28-1212.02 and section  
8 3 of this act:

9           (1) Aircraft ~~shall mean~~ means any contrivance intended  
10 for and capable of transporting persons through the airspace;

11           (2) Inhabited ~~shall mean~~ means currently being used for  
12 dwelling purposes; and

13           (3) Occupied ~~shall mean~~ means that a person is physically  
14 present in a building, motor vehicle, or aircraft.

15           Sec. 3. (1) Any person who intentionally discharges a  
16 firearm within two hundred yards of an inhabited dwelling house or  
17 occupied building is guilty of a Class III misdemeanor.

18           (2) This subsection does not apply to:

19           (a) Any landowner, tenant, or operator or his or her  
20 guests, if the area in which the firearm is discharged is under  
21 the control of the owner, tenant, or operator and is not within  
22 two hundred yards of another inhabited dwelling house or occupied  
23 building that is not under the control of such owner, tenant, or  
24 operator;

25           (b) Any person who has the permission of the landowner,

1 tenant, or operator, if the area in which the firearm is discharged  
2 is under the control of the owner, tenant, or operator and is not  
3 within two hundred yards of another inhabited dwelling house or  
4 occupied building not under the control of such owner, tenant, or  
5 operator.

6 (c) Any peace officer, conservation officer, or animal  
7 control officer acting within the scope of his or her authority; or

8 (d) Any person at a shooting range or shooting gallery  
9 who is following the rules of such shooting range or shooting  
10 gallery.

11 Sec. 5. Original section 28-1212.01, Reissue Revised  
12 Statutes of Nebraska, and section 28-101, Revised Statutes  
13 Cumulative Supplement, 2006, are repealed.