

LEGISLATIVE BILL 97

Approved by the Governor May 31, 2007

Introduced by Flood, 19

FOR AN ACT relating to handguns; to amend sections 69-2441 and 69-2443, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to carrying concealed handguns and revocation of permits for certain violations; and to repeal the original sections.

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

Section 1. Section 69-2441, Revised Statutes Cumulative Supplement, 2006, is amended to read:

69-2441 (1) (a) A permitholder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional, ~~or~~ semiprofessional, ~~or~~ collegiate athletic event; ~~school, school grounds, school-owned vehicle, or school-sponsored activity or athletic event;~~ building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial school or private or public university, college, or community college; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by law or rule or regulation.

(b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises. A permitholder carrying a concealed handgun in a vehicle into or onto any place or premises does not violate this section so long as the handgun is not removed from the vehicle while the vehicle is in or on the place or premises. An employer may prohibit employees or other persons who are permitholders from carrying concealed handguns in vehicles owned by the employer.

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

Sec. 2. Section 69-2443, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

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

~~(3) A permitholder who violates this section shall also be subject to revocation of his or her permit under section 69-2439.~~

(3) A permitholder convicted of a violation described in subsection (1) or (2) of this section may also have his or her permit revoked.

Sec. 3. Original sections 69-2441 and 69-2443, Revised Statutes Cumulative Supplement, 2006, are repealed.