

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB877

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 30, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB877 adds language to Nebraska Revised Statute 28-1205 which addresses the use of a deadly weapon to commit a felony; possession of a deadly weapon during the commission of a felony; separate and distinct offense; and proof of possession.

LB877 includes the term “a facsimile firearm, a non-functioning firearm” as it relates to a deadly weapon. It adds a section to include “Use of a facsimile firearm or nonfunctioning firearm to commit a felony is a Class III felony.”

LB877 defines a facsimile firearm as “an instrument which could reasonably be perceived to be a real firearm which includes, but is not limited to, a replica gun, an imitation gun, a BB gun, a pellet gun, a paintball gun, a toy gun, a lighter gun, or any other instrument that is fashioned to be perceived as a real firearm by a reasonable person.”

Current law does not allow for a “fake” gun to be considered a deadly weapon. LB877 changes this loophole in the law.

Principal Introducer: _____

Senator Burke Harr