

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 681

Introduced by Schnoor, 15.

Read first time January 06, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend
2 section 69-2441, Reissue Revised Statutes of Nebraska, and sections
3 69-2435, 69-2436, 69-2439, and 69-2443, Revised Statutes Cumulative
4 Supplement, 2014; to change certain violation and penalty
5 provisions; to eliminate obsolete provisions; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 69-2435, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 69-2435 A permitholder shall continue to meet the requirements of
4 section 69-2433 during the time he or she holds the permit, ~~except as~~
5 ~~provided in subsection (4) of section 69-2443.~~ If, during such time, a
6 permitholder does not continue to meet one or more of the requirements,
7 the permitholder shall return his or her permit to the Nebraska State
8 Patrol for revocation. If a permitholder does not return his or her
9 permit, the permitholder is subject to having his or her permit revoked
10 under section 69-2439.

11 Sec. 2. Section 69-2436, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 69-2436 (1) A permit to carry a concealed handgun is valid
14 throughout the state for a period of five years after the date of
15 issuance. The fee for issuing a permit is one hundred dollars.

16 (2) The Nebraska State Patrol shall renew a person's permit to carry
17 a concealed handgun for a renewal period of five years, subject to
18 continuing compliance with the requirements of section 69-2433, ~~except as~~
19 ~~provided in subsection (4) of section 69-2443.~~ The renewal fee is fifty
20 dollars, and renewal may be applied for up to four months before
21 expiration of a permit to carry a concealed handgun.

22 (3) The applicant shall submit the fee with the application to the
23 Nebraska State Patrol. The fee shall be remitted to the State Treasurer
24 for credit to the Nebraska State Patrol Cash Fund.

25 ~~(4) On or before June 30, 2007, the Nebraska State Patrol shall~~
26 ~~journal entry, as necessary, all current fiscal year expenses and~~
27 ~~revenue, including investment income, from the Public Safety Cash Fund~~
28 ~~under the Concealed Handgun Permit Act and recode them against the~~
29 ~~Nebraska State Patrol Cash Fund and its program appropriation.~~

30 Sec. 3. Section 69-2439, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

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

6 (2) It is the duty of the county attorney or his or her deputy of
7 the county in which such permitholder resides to prosecute a case for the
8 revocation of a permit to carry a concealed handgun brought pursuant to
9 subsection (1) of this section. In case the county attorney refuses or is
10 unable to prosecute the case, the duty to prosecute shall be upon the
11 Attorney General or his or her assistant.

12 (3) The case shall be prosecuted as a civil case, and the permit
13 shall be revoked upon a showing by a preponderance of the evidence that
14 the permitholder does not meet one or more of the requirements of section
15 ~~69-2433, except as provided in subsection (4) of section 69-2443.~~

16 (4) A person who has his or her permit revoked under this section
17 may be fined up to one thousand dollars and shall be charged with the
18 costs of the prosecution. The money collected under this subsection as an
19 administrative fine shall be remitted to the State Treasurer for
20 distribution in accordance with Article VII, section 5, of the
21 Constitution of Nebraska.

22 Sec. 4. Section 69-2441, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere
25 in Nebraska, except any: Police, sheriff, or Nebraska State Patrol
26 station or office; detention facility, prison, or jail; courtroom or
27 building which contains a courtroom; polling place during a bona fide
28 election; meeting of the governing body of a county, public school
29 district, municipality, or other political subdivision; meeting of the
30 Legislature or a committee of the Legislature; financial institution;
31 professional or semiprofessional athletic event; building, grounds,

1 vehicle, or sponsored activity or athletic event of any public, private,
2 denominational, or parochial elementary, vocational, or secondary school,
3 a private postsecondary career school as defined in section 85-1603, a
4 community college, or a public or private college, junior college, or
5 university; place of worship; hospital, emergency room, or trauma center;
6 political rally or fundraiser; establishment having a license issued
7 under the Nebraska Liquor Control Act that derives over one-half of its
8 total income from the sale of alcoholic liquor; place where the
9 possession or carrying of a firearm is prohibited by state or federal
10 law; a place or premises where the person, persons, entity, or entities
11 in control of the property or employer in control of the property has
12 prohibited permitholders from carrying concealed handguns into or onto
13 the place or premises; or into or onto any other place or premises where
14 handguns are prohibited by state law.

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

20 (c) A place of worship may authorize its security personnel to carry
21 concealed handguns on its property so long as each member of the security
22 personnel, as authorized, is in compliance with the Concealed Handgun
23 Permit Act and possesses a permit to carry a concealed handgun issued
24 pursuant to the act and written notice is given to the congregation and,
25 if the property is leased, the carrying of concealed handguns on the
26 property does not violate the terms of any real property lease agreement
27 between the place of worship and the lessor.

28 (2) If a person, persons, entity, or entities in control of the
29 property or an employer in control of the property prohibits a
30 permitholder from carrying a concealed handgun into or onto the place or
31 premises and such place or premises are open to the public, a

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

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

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

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

31 Sec. 5. Section 69-2443, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 69-2443 (1) A permitholder who violates subsection (1) or (2) of
3 section 69-2440, subsection (1), (3), (4), or (5) of ~~or~~ section 69-2441,
4 or section 69-2442 is guilty of a Class III misdemeanor for the first
5 violation and a Class I misdemeanor for any second or subsequent
6 violation.

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

9 (3) A permitholder who violates subsection (2) of section 69-2441 is
10 guilty of a Class III misdemeanor.

11 (~~4~~ 3) A permitholder convicted of a violation of section 69-2440 or
12 69-2442 may also have his or her permit revoked.

13 (~~5~~ 4) A permitholder convicted of a violation of section 69-2441
14 that occurred on property owned by the state or any political subdivision
15 of the state may also have his or her permit revoked. A permitholder
16 convicted of a violation of section 69-2441 that did not occur on
17 property owned by the state or any political subdivision of the state
18 shall not have his or her permit revoked for a first offense but may have
19 his or her permit revoked for any second or subsequent offense.

20 Sec. 6. Original section 69-2441, Reissue Revised Statutes of
21 Nebraska, and sections 69-2435, 69-2436, 69-2439, and 69-2443, Revised
22 Statutes Cumulative Supplement, 2014, are repealed.