



**Ninety-Seventh Legislature - Second Session - 2002**  
**Committee Statement**  
**LB 496**

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**Hearing Date:** 1/31/01  
**Committee On:** Judiciary

**Introducer(s):** (Tyson, Baker, Bruning, Burling, Byars, Cudaback, Cunningham, Dierks, Engel, Erdman, Hudkins, Jensen, Jones, Dw. Pedersen, Quandahl, Schrock, Smith, Stuhr, Vrtiska, Wickersham)

**Title:** Adopt the Concealed Handgun Permit Act

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**Roll Call Vote – Final Committee Action:**

- X Advanced to General File
  - Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

6	Yes	Senators Baker, Brashear, Pedersen, Quandahl, Robak, Tyson
2	No	Senators Chambers, Connealy
	Present, not voting	
	Absent	

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**Proponents:**

Senator Gene Tyson  
 Dr. Bob Tahara  
 Bob Grgurich  
 William Woods  
 Jim Price  
 Ron Grapes  
 Billy Rayburn

**Representing:**

Introducer  
 Self  
 Self  
 Nebraska Council of Sportsmens Clubs  
 Self  
 Self  
 self

**Opponents:**

George Remmenga  
 Steve Grabowski  
 Bill Thurman  
 Paul O’Hara  
 Tom McBride  
 Don Klug  
 Rick Boucher  
 Allen David Baldwin  
 Craig Groat  
 Lela Shanks  
 Tara Muir

**Representing:**

Self  
 Nebraska Fraternal Order of Police  
 Self  
 Handgun Control, Inc.  
 Self  
 Police Chiefs Association  
 Nebraska Sheriffs Association  
 Police Chiefs Association of Nebraska  
 Self  
 self  
 Nebraska Domestic Violence Sexual Assault

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John Krejci

Jay Schmidt  
Fred Smith

**Neutral:**

Coalition  
Nebraska Chapter – National Association of  
Social Workers  
Nebraskans for Peace  
Self

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 496 adopts the Concealed Handgun Permit Act which authorizes individuals to obtain a permit to allow the carrying of a concealed handgun on or about the person without violating Section 28-1202, which prohibits the carrying of concealed weapons.

Section 1 names the act.

Section 2 defines terms. “Concealed” is defined as “totally hidden from view.” If any part of the handgun can be seen, it is not concealed. “Handgun” is defined as “any firearm with a barrel less than 16 inches in length or any firearm designed to be held and fired by the use of a single hand.”

Section 3 provides that an applicant shall apply for a permit in person at the sheriff’s office of the county there the applicant resides. The Superintendent of Law Enforcement and Public Safety shall prescribe the application to be used.

**The application shall include:**

- The name, social security number, address, date of birth, and signature of the applicant;
- A statement that the applicant is in compliance with the requirements of section 4 of the act with respect to disqualifications for obtaining a permit, and;
- A statement that the applicant’s information is true and correct.

**The applicant shall also:**

- Present a current Nebraska driver’s license, state identification card, or military identification card and 2 sets of his or her fingerprints;
- Be 21 years old or older;
- Be eligible to possess a firearm pursuant to federal law; and
- Have the required eyesight to qualify for a Class O operator’s license.

Any applicant giving false information or offering false evidence of identity when applying for such permit shall be guilty of a Class IV felony.

Section 4 provides that the sheriff of the county in which the applicant resides shall issue the permit to carry a concealed handgun within 5 business days after the date of the application.

**The permit shall be issued if the applicant:**

- Complied with the application process;
- Has never pled guilty to, nolo contendere to, or been convicted of a felony or crime of violence;
- Is not habitually in a drugged or intoxicated condition;
- Has no history of violence;
- Has not been found within the last 10 years to be a mentally ill and dangerous person under the Nebraska Mental Health Commitment Act, and is not currently found by a court to be mentally incompetent;
- Has been a resident of the county where the application is filed for at least 180 days, “resident” does not include an applicant who maintains a residence in another state and claims that residence for voting or tax purposes;
- Has had no law violations relating to firearms, unlawful use of a weapon, or controlled substances in the 2 years preceding the date of application;
- Is currently not on parole, probation, house arrest, or work release; and
- Is a citizen of the United States.

A criminal history check shall be conducted by the Nebraska State Patrol to insure an applicant’s initial compliance. The permitholder has an ongoing duty to be in compliance with the requirements of this section while holding a permit. If a permitholder does not, he or she shall return the permit to any county sheriff for revocation.

The Superintendent of Law Enforcement and Public Safety shall prescribe the form of the permit to carry a concealed weapon, which shall include the permitholder’s name, address, the expiration date of the permit, and photograph of the permitholder.

If denied a permit, a person may appeal to the district court pursuant to the Administrative Procedure Act.

Section 5 provides a permit to carry a concealed handgun is valid for a period of 4 years after the date of issuance. \$60 is the fee for issuing the permit. The county sheriff issuing the permit shall collect such fee. The fee shall be allocated as follows: \$15 to the state Treasurer for credit to the General Fund, \$45 to the general fund of the county issuing the permit.

Section 6 provides that a permitholder shall not carry a concealed handgun into any:

- Establishment licensed under the Nebraska Liquor Control Act that receives over ½ of its total income from the sale of malt or alcoholic beverages; or
- Place or premises where weapons are prohibited by law, rule, or regulation; or prohibited by the owner of the place or premises.

Section 7 provides that a permit to carry a concealed handgun shall be issued to the applicant only, with no allowances to be transferred from one person to another.

Section 8 provides that no sheriff issuing a permit under this Act shall be civilly liable.

Section 9 allows for revocation of a permit to carry a concealed handgun. The county attorney's office of the county in which the permitholder resides has the duty to prosecute such case for the revocation. If the county attorney's office does not prosecute such a case, the duty is on the Attorney General's office to do so. Such case shall be a civil case. Upon a showing by a preponderance of the evidence that the requirements are not being met, the permit shall be revoked. A person whose permit is revoked may be fined up to \$1000 plus the costs of prosecution. Such money collected shall be remitted to the state Treasurer for credit to the permanent school fund.

Section 10 requires the county sheriff issuing a permit to carry a concealed handgun shall notify the Department of Motor Vehicles, and provide them with a copy of the applicant's approved application.

Legislative Bill 496 also provides exceptions to committing the offense of carrying a concealed weapon. Such **carrying a concealed weapon law shall not apply to:**

- A holder of a valid permit issued under the Concealed Handgun permit Act;
- A person on his or her own land or premises who is carrying any concealed weapon or weapons; or
- A person who lawfully carries a weapon or weapons in a trunk or closed compartment of a car, or in a closed container too large to be concealed on or about the person. If such are firearms, they shall be unloaded.

Such exceptions shall not apply to any peace officer or any Game and Parks Commission conservation officer.

Finally, Legislative Bill 496 requires a special designation on the permitholder's operator's license or state identification for persons permitted to carry a concealed weapon.

**Explanation of amendments, if any:**

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**Senator Kermit A. Brashear, Chairperson**