

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 482

Introduced by Raybould, 28.

Read first time January 17, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to firearms; to amend sections 69-2406,
2 69-2407, and 69-2439, Reissue Revised Statutes of Nebraska, and
3 section 25-2740, Revised Statutes Cumulative Supplement, 2022; to
4 adopt the Suicide Risk Protection Order Act; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 17 of this act shall be known and may be
2 cited as the Suicide Risk Protection Order Act.

3 Sec. 2. For purposes of the Suicide Risk Protection Order Act:

4 (1) Ex parte suicide risk protection order means a temporary
5 protection order issued on an ex parte basis under section 5 of this act;

6 (2) Family or household member includes spouses or former spouses,
7 children, persons who are presently residing together or who have resided
8 together in the past, persons who have a child in common whether or not
9 they have been married or have lived together at any time, other persons
10 related by consanguinity or affinity, and persons who are presently
11 involved in a dating relationship with each other or who have been
12 involved in a dating relationship with each other. For purposes of this
13 subdivision, dating relationship means frequent, intimate associations
14 primarily characterized by the expectation of affectional or sexual
15 involvement, but does not include a casual relationship or an ordinary
16 association between persons in a business or social context;

17 (3) Final suicide risk protection order means an order issued under
18 section 4 of this act or an ex parte suicide risk protection order that
19 is deemed final under section 5 of this act and includes renewals of such
20 orders;

21 (4) Firearm has the same meaning as in section 28-1201;

22 (5) Firearm permit means a permit to carry a concealed handgun
23 issued under the Concealed Handgun Permit Act, a certificate issued under
24 section 69-2404, or any other permit, certificate, or written
25 authorization under the laws of this state or another jurisdiction that
26 authorizes the purchase, receipt, possession, or concealment of a
27 firearm;

28 (6) Law enforcement agency means the police department or town
29 marshal in incorporated municipalities, the office of the sheriff in
30 unincorporated areas, and the Nebraska State Patrol;

31 (7) Law enforcement officer means any officer or employee of a law

1 enforcement agency authorized by law to make arrests;

2 (8) Petitioner means the person who petitions for a suicide risk
3 protection order; and

4 (9) Respondent means the person who is identified as the respondent
5 in a petition filed under the act.

6 Sec. 3. (1) Beginning January 1, 2024, a law enforcement agency or
7 law enforcement officer may file a petition for a suicide risk protection
8 order.

9 (2) A petition for a suicide risk protection order shall be filed
10 with the clerk of the district court of the county where the respondent
11 resides, and the proceeding may be heard by the county court or the
12 district court as provided in section 25-2740. A petition may not be
13 withdrawn except upon order of the court.

14 (3) A petition for a suicide risk protection order shall:

15 (a) Allege that the respondent poses a significant risk of causing
16 personal injury to self or others by having in the respondent's custody
17 or control, purchasing, possessing, or receiving a firearm;

18 (b) Be accompanied by an affidavit made under oath stating the
19 specific statements, actions, or facts that give rise to a reasonable
20 fear of future dangerous acts by the respondent;

21 (c) Identify the number, types, and locations of any firearms the
22 petitioner believes to be in the respondent's current ownership,
23 possession, custody, or control;

24 (d) If known by the petitioner, identify any existing harassment
25 protection order, sexual assault protection order, domestic violence
26 protection order, or other similar protection order governing the
27 respondent, whether from this state or another jurisdiction;

28 (e) Identify any relevant pending lawsuit, complaint, petition, or
29 other action against the respondent under the laws of Nebraska or any
30 other jurisdiction; and

31 (f) In the case of a petition filed by a law enforcement agency,

1 state the agency's address of record, and in the case of a petition filed
2 by a law enforcement officer, state the address of the law enforcement
3 agency employing such officer.

4 (4) The court shall verify the terms of any existing Nebraska court
5 order governing the respondent and, if reasonably practicable, the terms
6 of any such existing court order from another jurisdiction. The court
7 shall not delay granting relief in order to verify the terms of an
8 existing order.

9 (5) The petitioner shall make a good faith effort to provide notice
10 to any known family or household member of the respondent who may be at
11 risk of violence and to any known third party who may be at risk of
12 violence. If such family or household member or third party is a minor,
13 notice to such minor's parent or guardian, other than the respondent,
14 shall be sufficient. The notice shall state that the petitioner intends
15 to petition the court for a suicide risk protection order or has already
16 done so, and include referrals to appropriate resources, including mental
17 health, domestic violence, and counseling resources. The petitioner shall
18 attest in the petition to having provided such notice or attest to the
19 steps that will be taken to provide such notice.

20 (6) No fees for filing or service of process shall be charged by a
21 court or any public agency to petitioners seeking relief under the
22 Suicide Risk Protection Order Act, except that a court may assess such
23 fees and costs if the court finds, by clear and convincing evidence, that
24 the statements contained in the petition were false and that the suicide
25 risk protection order was sought in bad faith.

26 (7) Petitioners shall be provided the necessary number of certified
27 copies, forms, and instructional brochures free of charge.

28 (8) A petitioner shall not be required to post a bond to obtain
29 relief in any proceeding under the Suicide Risk Protection Order Act.

30 Sec. 4. (1) If a suicide risk protection order is not issued ex
31 parte under section 5 of this act, upon receipt of the petition, the

1 court shall immediately schedule an evidentiary hearing to be held within
2 fourteen days after the filing of the petition, and the court shall cause
3 notice of the hearing to be given to the petitioner and the respondent.
4 The clerk of the district court shall cause a copy of the notice of
5 hearing and petition to be forwarded on or before the next judicial day
6 to the appropriate law enforcement agency for service upon the
7 respondent. Service issued under this section takes precedence over the
8 service of other documents, unless the other documents are of a similar
9 emergency nature.

10 (2) Subject to court rules, a hearing under the Suicide Risk
11 Protection Order Act, including an evidentiary hearing, may be held
12 telephonically or by videoconferencing or similar means at any location
13 within the judicial district as ordered by the court and in a manner that
14 ensures the preservation of an accurate record, when doing so is
15 necessary to reasonably accommodate a disability or in exceptional
16 circumstances to protect a petitioner or witness from potential harm. The
17 court shall require assurances of the identity of the petitioner and any
18 witness before conducting a hearing in such manner.

19 (3) Upon hearing the matter, if the court finds by a preponderance
20 of the evidence that the respondent poses a significant risk of causing
21 personal injury to self or others by having in the respondent's custody
22 or control, purchasing, possessing, or receiving a firearm, the court
23 shall issue a suicide risk protection order that shall be effective for
24 one year.

25 (4) In determining whether grounds for issuing a suicide risk
26 protection order exist, the court may consider any relevant evidence,
27 including, but not limited to:

28 (a) A recent act or threat of violence by the respondent against
29 self or others, whether or not such violence or threat of violence
30 involves a firearm;

31 (b) A pattern of acts or threats of violence by the respondent,

1 including, but not limited to, acts or threats of violence by the
2 respondent against self or others;

3 (c) Evidence of the respondent being seriously mentally ill or
4 having recurring mental health issues;

5 (d) A violation by the respondent of a harassment protection order,
6 sexual assault protection order, domestic violence protection order, or
7 other similar protection order, whether from this state or another
8 jurisdiction;

9 (e) The existence of any previous or current suicide risk protection
10 order issued against the respondent, whether from this state or another
11 jurisdiction, and whether the respondent has violated such order;

12 (f) Whether the respondent has been civilly committed under the
13 Nebraska Mental Health Commitment Act, the Sex Offender Commitment Act,
14 section 29-1823, sections 29-3701 to 29-3704, or under any other similar
15 law of this state or another jurisdiction;

16 (g) Whether the respondent, in this state or any other jurisdiction,
17 has been convicted of, had adjudication withheld or deferred on, or pled
18 nolo contendere to a crime in which any victim was a family or household
19 member of the respondent;

20 (h) The respondent's ownership of, access to, or intent to possess
21 firearms;

22 (i) The unlawful or reckless use, display, or brandishing of a
23 firearm by the respondent;

24 (j) The history of use, attempted use, or threatened use of physical
25 force by the respondent against another person;

26 (k) Any history of stalking by the respondent;

27 (l) Whether the respondent, in this state or any other jurisdiction,
28 has been arrested for, convicted of, had adjudication withheld or
29 deferred on, or pled nolo contendere to a crime involving violence or a
30 threat of violence;

31 (m) Corroborated evidence of the abuse of controlled or intoxicating

1 substances or alcohol by the respondent;

2 (n) Evidence of recent acquisition of firearms by the respondent;

3 (o) Evidence of the respondent's oral or written statement of hatred
4 for or animus toward any person or group, including because of the actual
5 or perceived race, color, religion, ancestry, national origin, gender,
6 gender expression, gender identity, sexual orientation, age, disability,
7 citizenship status, military status, or political affiliation of any
8 person or group or because of a person's or group's association with a
9 person or group of any such classification or status; and

10 (p) Evidence that the respondent has previously acted or may act in
11 a threatening manner towards a peace officer or other public safety
12 officer with the intent to provoke a lethal response by such officer.

13 (5) The court may:

14 (a) Examine under oath the petitioner, the respondent, and any
15 witnesses they may produce, or, in lieu of examination, consider sworn
16 affidavits of the petitioner, the respondent, and any witnesses they may
17 produce;

18 (b) Conduct a search for criminal history record information related
19 to the respondent, including sealed records; and

20 (c) Request that a criminal justice agency as defined in section
21 29-3509 conduct a search of criminal history record information related
22 to the respondent, including sealed records. In such case the court shall
23 identify the type of records to be searched.

24 (6) In a hearing under the Suicide Risk Protection Order Act, the
25 rules of evidence apply to the same extent as in proceedings for a
26 domestic protection order under the Protection from Domestic Abuse Act.

27 (7) During the hearing, the court shall consider whether a mental
28 health evaluation or substance or alcohol dependency evaluation of the
29 respondent is appropriate and, if appropriate, may order such evaluation.

30 (8) If the court issues a suicide risk protection order, such order
31 shall include:

- 1 (a) A statement of the grounds supporting the issuance of the order;
2 (b) The date and time the order was issued;
3 (c) The date and time the order expires;
4 (d) Whether a mental health evaluation or substance or alcohol
5 dependency evaluation of the respondent is required;
6 (e) The address of the court in which any responsive pleading should
7 be filed;
8 (f) A description of the requirements for relinquishment of firearms
9 under section 9 of this act; and
10 (g) A statement in substantially the following form: "To (name of
11 respondent): This order will continue in effect until (date and time of
12 expiration of order). If you have not done so already, you must
13 immediately surrender to the (name of local law enforcement agency) all
14 firearms in your custody, control, or possession, any permit to carry a
15 concealed handgun issued to you under the Concealed Handgun Permit Act,
16 any certificate issued to you under section 69-2404, and any other
17 permit, certificate, or written authorization under the law of this state
18 or another jurisdiction that authorizes the purchase, receipt,
19 possession, or concealment of a firearm. While this order is in effect
20 you shall not have a firearm in your custody or control or purchase,
21 possess, receive, or attempt to purchase, possess, or receive a firearm.
22 You have the sole responsibility to avoid or refrain from violating this
23 order. Only the court can terminate this order and only upon written
24 request. You have the right to request a hearing to terminate this order
25 once during every twelve-month period that this order is in effect,
26 starting from the date of this order and continuing through any renewals.
27 You may seek the advice of an attorney as to any matter connected with
28 this order."
29 (9) When the court issues a suicide risk protection order following
30 a hearing under this section, the court shall inform the respondent that
31 the respondent is entitled to request termination of the order in the

1 manner prescribed by section 7 of this act. The court shall provide the
2 respondent with a form to request a termination hearing.

3 (10) If the court declines to issue a suicide risk protection order,
4 the court shall state on the record the particular reasons for the
5 denial.

6 Sec. 5. (1) Beginning January 1, 2024, a law enforcement agency or
7 law enforcement officer may request that a suicide risk protection order
8 be issued ex parte to the respondent and without prior notice to the
9 respondent by including in the petition detailed allegations based on
10 personal knowledge that the respondent poses a significant risk of
11 causing personal injury to self or others in the near future by having in
12 the respondent's custody or control, purchasing, possessing, or receiving
13 a firearm.

14 (2) In considering whether to issue an ex parte suicide risk
15 protection order under this section, the court shall consider all
16 relevant evidence, including the evidence described in subsection (4) of
17 section 4 of this act.

18 (3) The court shall hold a hearing for a petition for an ex parte
19 suicide risk protection order on the day the petition is filed or on the
20 judicial day immediately following the day the petition is filed. Subject
21 to court rules, such hearing may be held telephonically or by
22 videoconferencing or similar means at any location within the judicial
23 district as ordered by the court when doing so is necessary. The court
24 shall require assurances of the identity of the petitioner and any
25 witness before conducting a hearing in such manner.

26 (4) If a court finds there is reasonable cause to believe that the
27 respondent poses a significant risk of causing personal injury to self or
28 others in the near future by having in the respondent's custody or
29 control, purchasing, possessing, or receiving a firearm, the court shall
30 issue an ex parte suicide risk protection order. The order shall contain
31 the matters required by subsection (8) of section 4 of this act.

1 (5)(a) If a suicide risk protection order is issued ex parte, such
2 order is a temporary order and the court shall forthwith cause notice of
3 the petition and ex parte protection order to be given to the respondent.
4 The court shall also cause a form to request a show-cause hearing to be
5 served upon the respondent. If the respondent wishes to appear and show
6 cause why the order should not remain in effect, the respondent shall
7 affix the respondent's current address, telephone number, and signature
8 to the form and return it to the clerk of the district court within ten
9 business days after service upon the respondent. Upon receipt of the
10 request for a show-cause hearing, the request of the petitioner, or upon
11 the court's own motion, the court shall immediately schedule a show-cause
12 hearing, to be held no later than fourteen days after the receipt of any
13 request for a show-cause hearing, and shall notify the petitioner and
14 respondent of the hearing date. The petition and affidavit shall be
15 deemed to have been offered into evidence at any show-cause hearing. The
16 petition and affidavit shall be admitted into evidence unless
17 specifically excluded by the court.

18 (b) If the respondent appears at the hearing and the court finds by
19 a preponderance of the evidence that the respondent poses a significant
20 risk of causing personal injury to self or others by having in the
21 respondent's custody or control, purchasing, possessing, or receiving a
22 firearm, the ex parte suicide risk protection order shall be affirmed,
23 shall be deemed the final suicide risk protection order, and shall be
24 effective for one year from its initial issuance as an ex parte
25 protection order. In such case, service of the ex parte protection order
26 shall be notice of the final protection order for purposes of prosecution
27 under subsection (2) of section 12 of this act.

28 (c) If the respondent appears at the hearing and the court does not
29 find by a preponderance of the evidence that the respondent poses a
30 significant risk of causing personal injury to self or others by having
31 in the respondent's custody or control, purchasing, possessing, or

1 receiving a firearm, the court shall rescind the ex parte suicide risk
2 protection order.

3 (d) If the respondent has been properly served with the ex parte
4 suicide risk protection order and the respondent was properly notified of
5 the hearing date, and the respondent fails to appear at the hearing, the
6 order shall be affirmed, shall be deemed the final suicide risk
7 protection order, and shall be effective for one year from its initial
8 issuance as an ex parte protection order. In such case, service of the ex
9 parte protection order shall be notice of the final protection order for
10 purposes of prosecution under subsection (2) of section 12 of this act.

11 (e) If the respondent fails to request a show-cause hearing within
12 ten business days after service of the ex parte suicide risk protection
13 order, and no hearing was requested by the petitioner or set on the
14 court's own motion, the order shall be affirmed, shall be deemed the
15 final suicide risk protection order, and shall be effective for one year
16 from its initial issuance as an ex parte protection order. In such case,
17 service of the ex parte protection order shall be notice of the final
18 protection order for purposes of prosecution under subsection (2) of
19 section 12 of this act.

20 (6) If the court declines to issue an ex parte suicide risk
21 protection order, the court shall state on the record the particular
22 reasons for the denial.

23 Sec. 6. (1)(a) Upon the issuance of an ex parte suicide risk
24 protection order or final suicide risk protection order, the clerk of the
25 district court shall, on or before the next judicial day, provide,
26 without charge:

27 (i) The petitioner with two certified copies of such order;

28 (ii) The local law enforcement agency and the Nebraska State Patrol
29 with an electronic copy of such order and the sheriff's return thereon;
30 and

31 (iii) A copy of the suicide risk protection order to the sheriff's

1 office in the county where the respondent may be personally served
2 together with instructions for service. Upon receipt of the order and
3 instructions for service, such sheriff's office shall forthwith serve the
4 order upon the respondent and file its return thereon with the clerk of
5 the district court within ten days after the issuance of the order.

6 (b) If any protection order is dismissed or modified by the court,
7 the clerk of the district court shall, on or before the next judicial
8 day, provide the local law enforcement agency and the Nebraska State
9 Patrol, without charge, with an electronic copy of the order of dismissal
10 or modification.

11 (c) If the respondent has notice as described in subsection (2) of
12 this section, further service under this subsection is unnecessary.

13 (2) If the respondent was present at a hearing under section 5 of
14 this act and the suicide risk protection order was not dismissed, the
15 respondent shall be deemed to have notice by the court at such hearing
16 that the protection order will be granted and remain in effect and
17 further service of notice described in subsection (1) of this section is
18 not required for purposes of prosecution under subsection (2) of section
19 12 of this act.

20 (3) If the sheriff's office cannot complete service upon the
21 respondent within ten days, the sheriff's office shall notify the
22 petitioner. The petitioner shall provide information sufficient to permit
23 such notification.

24 Sec. 7. (1) A respondent may submit a written request for a hearing
25 to terminate a final suicide risk protection order once during every
26 twelve-month period that the order is in effect, starting from the date
27 of issuance of the order and continuing through any renewals.

28 (2) Upon receipt of a request for a hearing to terminate a suicide
29 risk protection order, the court shall set a date for a hearing to be
30 held within fourteen days after receipt of the request. The court may
31 also schedule such a hearing on its own motion. The court shall notify

1 the petitioner and respondent of the hearing date.

2 (3) At a hearing requested by the respondent, the respondent shall
3 have the burden of proving by a preponderance of the evidence that the
4 respondent does not pose a significant risk of causing personal injury to
5 self or others by having in the respondent's custody or control,
6 purchasing, possessing, or receiving a firearm. The court may consider
7 any relevant evidence, including evidence of the considerations listed in
8 subsection (4) of section 4 of this act.

9 (4) The court shall terminate the order if the court finds by a
10 preponderance of the evidence that the respondent does not pose a
11 significant risk of causing personal injury to self or others by having
12 in the respondent's custody or control, purchasing, possessing, or
13 receiving a firearm.

14 Sec. 8. (1) The court shall notify the petitioner of the impending
15 expiration of a final suicide risk protection order. The court shall
16 provide such notice on or before forty-five days before the date the
17 order expires.

18 (2) A law enforcement agency or law enforcement officer, including
19 one other than the petitioner, may file a motion requesting renewal of a
20 final suicide risk protection order at any time within forty-five days
21 prior to the date the order is set to expire, including the date the
22 order expires.

23 (3) Upon receipt of a motion to renew, the court shall immediately
24 schedule an evidentiary hearing to be held within fourteen days after the
25 filing of the motion, and the court shall cause notice of the hearing to
26 be given to the petitioner; the movant, if other than the petitioner; and
27 the respondent. The clerk of the district court shall cause a copy of the
28 notice of hearing and motion to be forwarded no later than the next
29 judicial day to the appropriate law enforcement agency for service upon
30 the respondent and the petitioner, if other than the movant. Service
31 issued under this section takes precedence over the service of other

1 documents, unless the other documents are of a similar emergency nature.

2 (4) In determining whether to renew a final suicide risk protection
3 order, the court shall consider all relevant evidence presented by the
4 parties and follow the same procedure as provided in section 4 of this
5 act.

6 (5) A final suicide risk protection order may be renewed on the
7 basis of the petitioner's or movant's motion or affidavit stating that
8 there has been no material change in relevant circumstances since entry
9 of the order and stating the reason for the requested renewal if:

10 (a) The petitioner and movant seek no modification of the order; and

11 (b)(i) The respondent has been properly served under subsection (3)
12 of this section and fails to appear at the hearing; or

13 (ii) The respondent indicates that the respondent does not contest
14 the renewal.

15 (6) If the court finds by a preponderance of the evidence that the
16 requirements for issuance of a final suicide risk protection order as
17 provided in subsection (3) of section 4 of this act continue to be met,
18 the court shall renew the order. On or before the next judicial day, the
19 clerk of the district court shall, without charge, provide:

20 (a) The petitioner, and the movant, if other than the petitioner,
21 with two certified copies of such order;

22 (b) The local law enforcement agency and the Nebraska State Patrol
23 with an electronic copy of such order and with one copy of such order and
24 the sheriff's return thereon; and

25 (c) A copy of the suicide risk protection order to the sheriff's
26 office in the county where the respondent may be personally served
27 together with instructions for service. Upon receipt of the order and
28 instructions for service, such sheriff's office shall forthwith serve the
29 order upon the respondent and file its return thereon with the clerk of
30 the district court within ten days after the issuance of the order. If
31 the respondent has notice as described in subsection (7) of this section,

1 further service under this subsection is unnecessary.

2 (7) If the respondent was present at a hearing under this section
3 and the suicide risk protection order was renewed, the respondent shall
4 be deemed to have notice by the court at such hearing that the protection
5 order will remain in effect and further service of notice described in
6 subsection (6) of this section is not required for purposes of
7 prosecution under subsection (2) of section 12 of this act.

8 (8) If the sheriff's office cannot complete service upon the
9 respondent within ten days, the sheriff's office shall notify the
10 petitioner and the movant, if other than the petitioner. The petitioner
11 and movant shall provide information sufficient to permit such
12 notification.

13 (9) A renewed suicide risk protection order shall be effective for
14 one year to commence on the first day following the expiration of the
15 previous order, subject to termination as provided in section 7 of this
16 act or further renewal by order of the court.

17 Sec. 9. (1) Upon issuance of a final suicide risk protection order
18 or an ex parte suicide risk protection order, the court shall order the
19 respondent to surrender to the local law enforcement agency all firearms
20 and firearm permits in the respondent's custody, control, or possession.

21 (2)(a) A law enforcement officer serving a suicide risk protection
22 order shall require the respondent to immediately and safely surrender
23 all firearm and firearm permits in the respondent's custody, control, or
24 possession.

25 (b) If personal service by a law enforcement officer is not
26 possible, the respondent shall, within twenty-four hours of being served
27 with the suicide risk protection order, surrender to the local law
28 enforcement agency, in a safe manner, all firearms and firearm permits in
29 the respondent's custody, control, or possession.

30 (c) If personal service by a law enforcement officer is not required
31 because the respondent was present at a hearing at which a suicide risk

1 protection order was issued, the respondent shall, within twenty-four
2 hours of such hearing, surrender to the local law enforcement agency, in
3 a safe manner, all firearms and firearm permits in the respondent's
4 custody, control, or possession.

5 (d) A law enforcement officer serving or enforcing a suicide risk
6 protection order shall take possession of all firearms and firearm
7 permits belonging to the respondent that are surrendered, found in plain
8 sight, or otherwise lawfully obtained. Such firearm permits shall be
9 deemed revoked and the law enforcement officer shall cause such permits
10 to be returned to the issuing agency.

11 (3) At the time of surrender, a law enforcement officer taking
12 possession of a firearm or firearm permit shall issue a receipt
13 identifying all firearms and firearm permits that have been surrendered
14 and provide a copy of the receipt to the respondent. Within seventy-two
15 hours after service of the order, the officer serving the order shall
16 file the original receipt with the court and shall ensure that such
17 officer's law enforcement agency retains a copy of the receipt.

18 (4) Within forty-eight hours after service of a suicide risk
19 protection order or, if service by a law enforcement officer is not
20 required because the respondent was present at a hearing at which a
21 suicide risk protection order was issued, within forty-eight hours after
22 such hearing, the respondent may either:

23 (a) File with the court that issued the order one or more receipts
24 demonstrating that all firearms and firearm permits previously in the
25 respondent's custody, control, or possession, were surrendered in
26 accordance with this section or removed by the local law enforcement
27 agency and attest to the court that the respondent does not currently
28 have any firearms or firearm permits in the respondent's custody,
29 control, or possession; or

30 (b) Attest to the court that:

31 (i) At the time the order was issued, the respondent did not have

1 any firearms or firearm permits in the respondent's custody, control, or
2 possession; and

3 (ii) The respondent does not currently have any firearms or firearm
4 permits in the respondent's custody, control, or possession.

5 (5) If the applicable forty-eight hour deadline in subsection (4)
6 has elapsed and the respondent has not made the filing and attestation
7 under subdivision (4)(a) of this section or the attestations under
8 subdivision (4)(b) of this section, the clerk of the district court shall
9 so inform the appropriate law enforcement agency.

10 (6) A law enforcement agency that receives a notification pursuant
11 to subsection (5) of this section shall make a good faith effort to
12 determine whether there is evidence that the respondent has failed to
13 relinquish any firearms or firearm permits in the respondent's custody,
14 control, or possession.

15 (7) Upon the sworn statement or testimony of the petitioner or of
16 any law enforcement officer alleging that the respondent has failed to
17 surrender all firearms and firearm permits in the respondent's
18 possession, custody, or control, the court shall determine whether
19 probable cause exists to believe that the respondent has so failed to
20 comply. If probable cause exists, the court shall issue a warrant
21 authorizing the search for and seizure of such firearms and firearm
22 permits.

23 (8) If a person other than the respondent claims title to any
24 firearm surrendered pursuant to the Suicide Risk Protection Order Act and
25 such claim is determined to be valid by the law enforcement agency
26 holding such firearm, the firearm shall be returned to such person if:

27 (a) Such person agrees that the firearm shall remain removed from
28 the respondent's custody, control, or possession and such person agrees
29 to store the firearm in a manner such that the respondent does not have
30 access to or control of the firearm; and

31 (b) Possession of the firearm by such person is not otherwise

1 prohibited by law.

2 (9) By October 1, 2023, all law enforcement agencies shall develop
3 policies and procedures governing the acceptance, storage, and return of
4 firearms required to be surrendered under the act.

5 Sec. 10. (1) If a final suicide risk protection order or ex parte
6 suicide risk protection order is terminated or expires without renewal, a
7 law enforcement agency holding any firearm that has been surrendered or
8 seized pursuant to the Suicide Risk Protection Order Act shall return
9 such firearm upon request by a respondent, but only after confirming,
10 through a criminal history record information check, that the respondent
11 is currently eligible to own or possess any such firearm under Nebraska
12 and federal law and after confirming with the court that the suicide risk
13 protection order has terminated or expired without renewal. If the
14 respondent is not so eligible, the law enforcement agency shall notify
15 the respondent that the firearm will be disposed of in accordance with
16 the agency's policies and procedures. Such disposal shall not occur until
17 sixty days after such notification is sent.

18 (2) Any firearm surrendered or seized pursuant to the act that
19 remains unclaimed for more than sixty days following termination or
20 expiration of the order shall be disposed of in accordance with the law
21 enforcement agency's policies and procedures.

22 Sec. 11. (1) On the same day a final suicide risk protection order
23 or an ex parte suicide risk protection order is issued, the clerk of the
24 district court shall enter such order into a statewide judicial
25 information system and electronically forward a copy of such order to the
26 appropriate law enforcement agency specified in the order. Upon receipt
27 of such copy, the law enforcement agency shall enter the order into the
28 national criminal history record information system, any other federal or
29 state computer-based systems used by law enforcement or others to
30 identify prohibited purchasers of firearms, and any computer-based
31 criminal intelligence information system available in this state used by

1 law enforcement agencies to list outstanding warrants. The order shall
2 remain in each system for the period stated in the order. The law
3 enforcement agency shall only expunge orders from the systems that have
4 expired, been amended, or been terminated. Any final suicide risk
5 protection order or ex parte suicide risk protection order is fully
6 enforceable in any county in the state.

7 (2) Within three days, not including weekends or holidays, of
8 receiving notice of entry of an ex parte suicide risk protection order or
9 final suicide risk protection order:

10 (a) The Nebraska State Patrol shall determine if the respondent has
11 a permit to carry a concealed handgun issued under the Concealed Handgun
12 Permit Act. If the respondent has such a permit, the patrol shall
13 immediately revoke such permit. Such revocation shall not be subject to
14 the procedures of section 69-2439, including the fine set forth in
15 subsection (4) of such section; and

16 (b) The local law enforcement agency shall determine if the
17 respondent has a certificate issued under section 69-2404. If the
18 respondent has such a certificate, the local law enforcement agency shall
19 immediately revoke the certificate. If the respondent has such a
20 certificate issued by a different law enforcement agency, the local law
21 enforcement agency shall immediately notify such issuing agency, which
22 shall immediately revoke such certificate.

23 (3) When provided by the petitioner, the court shall make
24 confidential numeric victim identification information, including social
25 security numbers and dates of birth, available to appropriate criminal
26 justice agencies engaged in protection order enforcement efforts. Such
27 agencies shall maintain the confidentiality of this information, except
28 for entry into state and federal databases for protection order
29 enforcement.

30 (4) If a final suicide risk protection order or an ex parte suicide
31 risk protection order is terminated before its expiration date, the clerk

1 of the district court shall, on the same day, electronically forward a
2 copy of the termination order to the Nebraska State Patrol and the
3 appropriate law enforcement agency specified in the termination order.
4 Upon receipt of such copy, the Nebraska State Patrol and law enforcement
5 agency shall promptly remove the suicide risk protection order from any
6 computer-based system in which it was entered pursuant to subsection (1)
7 of this section.

8 Sec. 12. (1) Any person who files a petition under the Suicide Risk
9 Protection Order Act knowing the information in such petition to be
10 materially false or with intent to harass the respondent shall be guilty
11 of a Class III misdemeanor.

12 (2) Any person who has in such person's custody or control or
13 purchases, possesses, or receives a firearm or firearm permit, knowing
14 that such person is prohibited from doing so by a final suicide risk
15 protection order, an ex parte suicide risk protection order, or an order
16 issued pursuant subsection (3) of this section:

17 (a) For a first or second violation, shall be guilty of a Class II
18 misdemeanor; and

19 (b) For a third or subsequent violation, shall be guilty of a Class
20 IV felony.

21 (3)(a) Upon a conviction described in subdivision (2)(a) of this
22 section, the court shall issue an order prohibiting the respondent from
23 having in the respondent's custody or control, purchasing, possessing, or
24 receiving, or attempting to purchase, possess, or receive, a firearm or
25 firearm permit for a period of five years from the date of issuance of
26 the suicide risk protection order underlying the conviction.

27 (b) On the same day as an order under subdivision (3)(a) of this
28 section is issued, the clerk of the district court shall enter such order
29 into a statewide judicial information system and electronically forward a
30 copy of such order to the appropriate law enforcement agency specified in
31 the order. Upon receipt of such copy, the law enforcement agency shall

1 enter the order into the national criminal history record information
2 system, any other federal or state computer-based systems used by law
3 enforcement or others to identify prohibited purchasers of firearms, and
4 any computer-based criminal intelligence information system available in
5 this state used by law enforcement agencies to list outstanding warrants.
6 The order shall remain in each system for the period stated in the order.
7 The law enforcement agency shall only expunge orders from the systems
8 that have expired, been amended, or been terminated. Any such order is
9 fully enforceable in any county in the state.

10 Sec. 13. The Suicide Risk Protection Order Act does not affect the
11 ability, pursuant to other lawful authority, of a law enforcement agency
12 or law enforcement officer to seize from any person a firearm or firearm
13 permit or otherwise conduct any lawful search and seizure.

14 Sec. 14. Except as provided in subsection (1) of section 12 of this
15 act, the Suicide Risk Protection Order Act does not impose criminal or
16 civil liability on any person or entity for acts or omissions related to
17 seeking or obtaining a suicide risk protection order, including, but not
18 limited to:

- 19 (1) Reporting or declining to report;
20 (2) Investigating or declining to investigate; and
21 (3) Filing or declining to file a petition under the act.

22 Sec. 15. A law enforcement agency shall exercise reasonable care
23 when handling or storing firearms pursuant to the Suicide Risk Protection
24 Order Act.

25 Sec. 16. (1) On or before October 1, 2023, the State Court
26 Administrator shall develop and prepare instructions and informational
27 brochures, standard petitions and suicide risk protection order forms,
28 and a court staff handbook on the Suicide Risk Protection Order Act.

29 (2) The standard petition and order forms shall be used for all
30 petitions filed and orders issued under the Suicide Risk Protection Order
31 Act. The instructions, brochures, forms, and handbook shall be prepared

1 in consultation with interested persons, including representatives of gun
2 violence prevention groups, judges, and law enforcement personnel.
3 Materials shall be based on best practices and available to the public
4 online.

5 (a) The instructions shall be designed to assist petitioners in
6 completing the petition and shall include a sample of a standard petition
7 and order forms.

8 (b) The informational brochure must describe the use of and the
9 process for obtaining, renewing, and terminating a suicide risk
10 protection order and provide relevant forms.

11 (3) On or before October 1, 2023, the State Court Administrator
12 shall distribute a master copy of the petition and order forms,
13 instructions, and informational brochures to all clerks of the district
14 court and shall distribute a master copy of the petition and order forms
15 to all county and district courts. Distribution of all documents shall,
16 at a minimum, be in an electronic format or formats accessible to such
17 courts and their clerks.

18 (4) The State Court Administrator shall update the instructions,
19 brochures, standard petition and order forms, and court staff handbook as
20 necessary, including when changes in the law make an update necessary.

21 (5) On or before January 1, 2024, all clerks of the district court
22 shall make available to law enforcement agencies the standardized forms,
23 instructions, and informational brochures required by this section.

24 (6) A court clerk or such clerk's employees shall not provide
25 assistance in completing the forms.

26 Sec. 17. (1) On or before January 1, 2025, and each January 1
27 thereafter, each clerk of the district court shall report to the State
28 Court Administrator the total number, for the previous calendar year, of:

29 (a) Petitions for suicide risk protection orders and the total
30 number of those petitions that requested an ex parte suicide risk
31 protection order;

- 1 (b) Ex parte suicide risk protection orders issued and denied;
- 2 (c) Final suicide risk protection orders issued and denied;
- 3 (d) Suicide risk protection orders terminated; and
- 4 (e) Suicide risk protection orders renewed.

5 (2) No later than April 1, 2025, and each April 1 thereafter, the
6 State Court Administrator shall compile and publish on the
7 administrator's website a report which aggregates the information
8 received pursuant to this section during the previous calendar year and
9 lists each category by county and type of court.

10 Sec. 18. Section 25-2740, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 25-2740 (1) For purposes of this section:

13 (a) Domestic relations matters means proceedings under sections
14 28-311.09 and 28-311.10 (including harassment protection orders and valid
15 foreign harassment protection orders), sections 28-311.11 and 28-311.12
16 (including sexual assault protection orders and valid foreign sexual
17 assault protection orders), the Suicide Risk Protection Order Act, the
18 Conciliation Court Law and sections 42-347 to 42-381 (including
19 dissolution, separation, annulment, custody, and support), section
20 43-512.04 (including child support or medical support), section 42-924
21 (including domestic protection orders), sections 43-1401 to 43-1418
22 (including paternity determinations and parental support), and sections
23 43-1801 to 43-1803 (including grandparent visitation); and

24 (b) Paternity or custody determinations means proceedings to
25 establish the paternity of a child under sections 43-1411 to 43-1418 or
26 proceedings to determine custody of a child under section 42-364.

27 (2) Except as provided in subsection (3) of this section, in
28 domestic relations matters, a party shall file his or her petition or
29 complaint and all other court filings with the clerk of the district
30 court. The party shall state in the petition or complaint whether such
31 party requests that the proceeding be heard by a county court judge or by

1 a district court judge. If the party requests the case be heard by a
2 county court judge, the county court judge assigned to hear cases in the
3 county in which the matter is filed at the time of the hearing is deemed
4 appointed by the district court and the consent of the county court judge
5 is not required. Such proceeding is considered a district court
6 proceeding, even if heard by a county court judge, and an order or
7 judgment of the county court in a domestic relations matter has the force
8 and effect of a district court judgment. The testimony in a domestic
9 relations matter heard before a county court judge shall be preserved as
10 provided in section 25-2732.

11 (3) In addition to the jurisdiction provided for paternity or
12 custody determinations under subsection (2) of this section, a county
13 court or separate juvenile court which already has jurisdiction over the
14 child whose paternity or custody is to be determined has jurisdiction
15 over such paternity or custody determination.

16 Sec. 19. Section 69-2406, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 69-2406 (1) Any person who is denied a certificate, whose
19 certificate is revoked, or who has not been issued a certificate upon
20 expiration of the three-day period may appeal within ten days of receipt
21 of the denial or revocation to the county court of the county of the
22 applicant's place of residence. The applicant shall file with the court
23 the specific reasons for the denial or revocation by the chief of police
24 or sheriff and a filing fee of ten dollars in lieu of any other filing
25 fee required by law. The court shall issue its decision within thirty
26 days of the filing of the appeal.

27 (2) This section does not apply to revocations pursuant to the
28 Suicide Risk Protection Order Act.

29 Sec. 20. Section 69-2407, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 69-2407 (1) A certificate issued in accordance with section 69-2404

1 shall contain the holder's name, address, and date of birth and the
2 effective date of the certificate. A certificate shall authorize the
3 holder to acquire any number of handguns during the period that the
4 certificate is valid. The certificate shall be valid throughout the state
5 and shall become invalid three years after its effective date. If the
6 chief of police or sheriff who issued the certificate determines that the
7 applicant has become disqualified for the certificate under section
8 69-2404, he or she may immediately revoke the certificate and require the
9 holder to surrender the certificate immediately. Revocation may be
10 appealed pursuant to section 69-2406.

11 (2) This section does not apply to revocations pursuant to the
12 Suicide Risk Protection Order Act.

13 Sec. 21. Section 69-2439, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 69-2439 (1) Any peace officer having probable cause to believe that
16 a permitholder is no longer in compliance with one or more requirements
17 of section 69-2433, except as provided in subsection (4) of section
18 69-2443, shall bring an application for revocation of the permit to be
19 prosecuted as provided in subsection (2) of this section.

20 (2) It is the duty of the county attorney or his or her deputy of
21 the county in which such permitholder resides to prosecute a case for the
22 revocation of a permit to carry a concealed handgun brought pursuant to
23 subsection (1) of this section. In case the county attorney refuses or is
24 unable to prosecute the case, the duty to prosecute shall be upon the
25 Attorney General or his or her assistant.

26 (3) The case shall be prosecuted as a civil case, and the permit
27 shall be revoked upon a showing by a preponderance of the evidence that
28 the permitholder does not meet one or more of the requirements of section
29 69-2433, except as provided in subsection (4) of section 69-2443.

30 (4) A person who has his or her permit revoked under this section
31 may be fined up to one thousand dollars and shall be charged with the

1 costs of the prosecution. The money collected under this subsection as an
2 administrative fine shall be remitted to the State Treasurer for
3 distribution in accordance with Article VII, section 5, of the
4 Constitution of Nebraska.

5 (5) This section does not apply to revocations pursuant to the
6 Suicide Risk Protection Order Act.

7 Sec. 22. Original sections 69-2406, 69-2407, and 69-2439, Reissue
8 Revised Statutes of Nebraska, and section 25-2740, Revised Statutes
9 Cumulative Supplement, 2022, are repealed.