

AMENDMENTS TO LB 958

Introduced by Ashford, 20.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. (1) The Nebraska Commission on Law Enforcement
4 and Criminal Justice shall examine firearm-related violence in
5 Nebraska. The examination shall include, but not be limited to, the
6 following issues:

7 (a) Firearm-related injuries and deaths;

8 (b) Illegal firearm sales;

9 (c) Illegal firearm trafficking;

10 (d) The types of firearms used during the commission of
11 violent crimes;

12 (e) Providing access to a person's mental health records,
13 if any, pursuant to section 69-2409.01;

14 (f) Firearm safety;

15 (g) Firearm training;

16 (h) Obstacles related to the sharing of information by
17 local, state, and federal agencies about violent offenses involving
18 firearms;

19 (i) Enforcement of firearm laws;

20 (j) Sentencing for felonies committed with a firearm; and

21 (k) Referral of felonies committed with a firearm to
22 federal authorities for prosecution.

23 (2) Based upon its examination, the commission shall

1 issue a written report to the Legislature recommending specific
2 administrative, enforcement, and statutory changes designed to
3 reduce firearm-related violence, firearm-related injuries, and
4 illegal firearm trafficking and sales and whether there is also any
5 need to address the types of firearms used during the commission
6 of crime. The commission shall issue the written report to the
7 Legislature no later than January 1, 2009, and an updated written
8 report every two years thereafter.

9 Sec. 2. The Nebraska State Patrol shall implement a
10 telephone hotline for individuals to report the loss or theft of
11 a firearm. An individual reporting the loss or theft of a firearm
12 that was not registered or that was improperly registered shall
13 not, as a result of such reporting, be charged with a crime
14 involving not registering or improperly registering the firearm.

15 Sec. 3. Section 28-608, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 28-608 (1) A person commits the crime of criminal
18 impersonation if he or she:

19 (a) Assumes a false identity and does an act in his or
20 her assumed character with intent to gain a pecuniary benefit for
21 himself, herself, or another or to deceive or harm another;

22 (b) Pretends to be a representative of some person or
23 organization and does an act in his or her pretended capacity with
24 the intent to gain a pecuniary benefit for himself, herself, or
25 another and to deceive or harm another;

26 (c) Carries on any profession, business, or any other
27 occupation without a license, certificate, or other authorization

1 required by law; or

2 (d) Without the authorization or permission of another
3 and with the intent to deceive or harm another:

4 (i) Obtains or records personal identification documents
5 or personal identifying information; and

6 (ii) Accesses or attempts to access the financial
7 resources of another through the use of a personal identification
8 document or personal identifying information for the purpose of
9 obtaining credit, money, goods, services, or any other thing of
10 value.

11 (2) (a) Criminal impersonation is a Class III felony if
12 the credit, money, goods, services, or other thing of value that
13 was gained or was attempted to be gained was one thousand five
14 hundred dollars or more.

15 (b) Criminal impersonation is a Class IV felony if the
16 credit, money, goods, services, or other thing of value that was
17 gained or was attempted to be gained was five hundred dollars or
18 more but less than one thousand five hundred dollars.

19 (c) Criminal impersonation is a Class I misdemeanor if
20 the credit, money, goods, services, or other thing of value that
21 was gained or was attempted to be gained was two hundred dollars or
22 more but less than five hundred dollars. Any second or subsequent
23 conviction under this subdivision is a Class IV felony.

24 (d) Criminal impersonation is a Class II misdemeanor if
25 no credit, money, goods, services, or other thing of value was
26 gained or was attempted to be gained, or if the credit, money,
27 goods, services, or other thing of value that was gained or was

1 attempted to be gained was less than two hundred dollars. Any
2 second conviction under this subdivision is a Class I misdemeanor,
3 and any third or subsequent conviction under this subdivision is a
4 Class IV felony.

5 (e) A person found guilty of violating this section may,
6 in addition to the penalties under this subsection, be ordered to
7 make restitution pursuant to sections 29-2280 to 29-2289.

8 (3) Criminal impersonation does not mean:

9 (a) The lawful obtaining of credit information in the
10 course of a bona fide consumer or commercial transaction;

11 (b) The lawful, good faith exercise of a security
12 interest or a right of setoff by a creditor or a financial
13 institution; or

14 (c) The lawful, good faith compliance by any person
15 when required by any warrant, levy, garnishment, attachment, court
16 order, or other judicial or administrative order, decree, or
17 directive.

18 (4) For purposes of this section:

19 (a) Personal identification document means a birth
20 certificate, motor vehicle operator's license, state identification
21 card, public, government, or private employment identification
22 card, social security card, visa work permit, firearm owner's
23 identification card, ~~certificate issued under section 69-2404,~~ or
24 passport or any document made or altered in a manner that it
25 purports to have been made on behalf of or issued to another person
26 or by the authority of a person who did not give that authority.
27 Personal identification document does not include a financial

1 transaction device as defined in section 28-618;

2 (b) Personal identifying information means any name or
3 number that may be used, alone or in conjunction with any other
4 information, to identify a specific person including a person's:
5 (i) Name; (ii) date of birth; (iii) address; (iv) motor vehicle
6 operator's license number or state identification card number
7 as assigned by the State of Nebraska or another state; (v)
8 social security number or visa work permit number; (vi) public,
9 private, or government employer, place of employment, or employment
10 identification number; (vii) maiden name of a person's mother;
11 (viii) number assigned to a person's credit card, charge card, or
12 debit card, whether issued by a financial institution, corporation,
13 or other business entity; (ix) number assigned to a person's
14 depository account, savings account, or brokerage account; (x)
15 personal identification number as defined in section 8-157.01; (xi)
16 electronic identification number, address, or routing code used
17 to access financial information; (xii) digital signature; (xiii)
18 telecommunications identifying information or access device; (xiv)
19 unique biometric data, such as fingerprint, voice print, retina
20 or iris image, or other unique physical representation; and (xv)
21 other number or information which can be used to access a person's
22 financial resources; and

23 (c) Telecommunications identifying information or access
24 device means a card, plate, code, account number, mobile
25 identification number, or other telecommunications service,
26 equipment, or instrument identifier or means of account access that
27 alone or in conjunction with other telecommunications identifying

1 information or another telecommunications access device may be
2 used to: (i) Obtain money, goods, services, or any other thing of
3 value; or (ii) initiate a transfer of funds other than a transfer
4 originated solely by a paper instrument.

5 Sec. 4. Section 69-2409.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 69-2409.01 (1) ~~For purposes of sections 69-2401 to~~
8 ~~69-2425,~~ the The Nebraska State Patrol shall be furnished upon
9 the patrol's request with ~~only~~ such information as may be necessary
10 for the sole purpose of determining whether an individual is
11 disqualified from purchasing or possessing a handgun pursuant to
12 state or federal law. Such information shall be furnished by
13 the Department of Health and Human Services. The clerks of the
14 various courts shall furnish to the Department of Health and
15 Human Services, within thirty days after the order of commitment
16 or finding and the discharge, all information necessary to set
17 up and maintain the data base required by this section. This
18 information shall include (a) information regarding those persons
19 who are currently receiving mental health treatment pursuant to
20 a commitment order of a mental health board or who have been
21 discharged and (b) information regarding those persons who have
22 been committed to treatment pursuant to section 29-3702. The
23 Department of Health and Human Services shall also maintain in
24 the data base a listing of persons committed to treatment pursuant
25 to section 29-3702. Information regarding mental health board
26 commitments and commitments pursuant to section 29-3702 shall
27 not be retained in the data base maintained by the department

1 on persons who have been discharged from those commitments more
2 than ~~five~~ ten years previously. Any such information maintained
3 or disclosed under this subsection shall remain privileged and
4 confidential and shall not be redisclosed or utilized for any
5 other purpose. The procedures for furnishing such information shall
6 guarantee that no information is released beyond what is necessary
7 for purposes of this section.

8 ~~(2) In order to comply with sections 69-2401 and 69-2403~~
9 ~~to 69-2408 and this section, the Nebraska State Patrol shall~~
10 ~~provide to the chief of police or sheriff of an applicant's place~~
11 ~~of residence or a licensee in the process of a criminal history~~
12 ~~record check pursuant to section 69-2411 only the information~~
13 ~~regarding whether or not the applicant is disqualified from~~
14 ~~purchasing or possessing a handgun.~~

15 ~~(3) (2) Any person, agency, or mental health board~~
16 ~~participating in good faith in the reporting or disclosure of~~
17 ~~records and communications under this section is immune from any~~
18 ~~liability, civil, criminal, or otherwise, that might result by~~
19 ~~reason of the action.~~

20 ~~(4) Any person who intentionally causes the Nebraska~~
21 ~~State Patrol to request information pursuant to this section~~
22 ~~without reasonable belief that the named individual has submitted~~
23 ~~a written application under section 69-2404 or has completed a~~
24 ~~consent form under section 69-2410 shall be guilty of a Class II~~
25 ~~misdemeanor in addition to other civil or criminal liability under~~
26 ~~state or federal law.~~

27 Sec. 5. Original section 69-2409.01, Reissue Revised

1 Statutes of Nebraska, and section 28-608, Revised Statutes
2 Cumulative Supplement, 2006, are repealed.

3 Sec. 6. The following sections are outright repealed:

4 Sections 69-2401, 69-2403, 69-2407, 69-2708, 69-2409, 69-2412,
5 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2420, 69-2421,
6 69-2422, 69-2423, 69-2424, and 69-2425, Reissue Revised Statutes
7 of Nebraska, and sections 69-2402, 69-2404, 69-2405, 69-2406,
8 69-2410, 69-2411, 69-2418, and 69-2419, Revised Statutes Cumulative
9 Supplement, 2006.