

AMENDMENTS TO LB699

(Amendments to E & R amendments, ER147)

Introduced by McGill

1 1. Insert the following new section:

2 Sec. 6. Section 69-2409.01, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 69-2409.01 (1) For purposes of sections 69-2401 to
5 69-2425, the Nebraska State Patrol shall be furnished with only
6 such information as may be necessary for the sole purpose of
7 determining whether an individual is disqualified from purchasing
8 or possessing a handgun pursuant to state law or is subject to
9 the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such
10 information shall be furnished by the Department of Health and
11 Human Services. The clerks of the various courts shall furnish
12 to the Department of Health and Human Services and Nebraska State
13 Patrol, as soon as practicable but within thirty days after an
14 order of commitment or discharge is issued or after removal
15 of firearm-related disabilities pursuant to section 71-963, all
16 information necessary to set up and maintain the data base required
17 by this section. This information shall include (a) information
18 regarding those persons who are currently receiving mental health
19 treatment pursuant to a commitment order of a mental health board
20 or who have been discharged, (b) information regarding those
21 persons who have been committed to treatment pursuant to section
22 29-3702, and (c) information regarding those persons who have had

1 firearm-related disabilities removed pursuant to section 71-963.
2 The mental health board shall notify the Department of Health and
3 Human Services and the Nebraska State Patrol when such disabilities
4 have been removed. The Department of Health and Human Services
5 shall also maintain in the data base a listing of persons committed
6 to treatment pursuant to section 29-3702. To ensure the accuracy
7 of the data base, any information maintained or disclosed under
8 this subsection shall be updated, corrected, modified, or removed,
9 as appropriate, and as soon as practicable, from any data base
10 that the state or federal government maintains and makes available
11 to the National Instant Criminal Background Check System. The
12 procedures for furnishing the information shall guarantee that no
13 information is released beyond what is necessary for purposes of
14 this section.

15 (2) In order to comply with sections 69-2401 and 69-2403
16 to 69-2408 and this section, the Nebraska State Patrol shall
17 provide to the chief of police or sheriff of an applicant's place
18 of residence or a licensee in the process of a criminal history
19 record check pursuant to section 69-2411 only the information
20 regarding whether or not the applicant is disqualified from
21 purchasing or possessing a handgun.

22 (3) Any person, agency, or mental health board
23 participating in good faith in the reporting or disclosure of
24 records and communications under this section is immune from any
25 liability, civil, criminal, or otherwise, that might result by
26 reason of the action.

27 (4) Any person who intentionally causes the Nebraska

1 State Patrol to request information pursuant to this section
2 without reasonable belief that the named individual has submitted
3 a written application under section 69-2404 or has completed a
4 consent form under section 69-2410 shall be guilty of a Class II
5 misdemeanor in addition to other civil or criminal liability under
6 state or federal law.

7 (5) The Nebraska State Patrol and the Department of
8 Health and Human Services shall report electronically to the Clerk
9 of the Legislature on a biannual basis the following information
10 about the data base: (a) The number of total records of persons
11 unable to purchase or possess firearms because of disqualification
12 or disability shared with the National Instant Criminal Background
13 Check System; (b) the number of shared records by category of
14 such persons; (c) the change in number of total shared records
15 and change in number of records by category from the previous six
16 months; (d) the number of records existing but not able to be
17 shared with the National Instant Criminal Background Check System
18 because the record was incomplete and unable to be accepted by
19 the National Instant Criminal Background Check System; and (e)
20 the number of hours or days, if any, during which the data base
21 was unable to share records with the National Instant Criminal
22 Background Check System and the reason for such inability. The
23 report shall also be published on the web sites of the Nebraska
24 State Patrol and the Department of Health and Human Services.

25 2. Renumber the remaining sections and correct the
26 repealer accordingly.