

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB556**

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**Hearing Date:** Wednesday March 08, 2017  
**Committee On:** Judiciary  
**Introducer:** Halloran  
**One Liner:** Change provisions relating to firearms and create the offenses of use of a facsimile or nonfunctioning firearm to commit a felony and possession of a firearm by a prohibited juvenile offender

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks  
**Nay:** 1 Senator Chambers  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Steve Halloran  
Don Kleine

Aaron Hanson  
Michael McGee  
William Mizner

**Opponents:**

Amanda Gailey  
Spike Eickholt  
Kaitlin Reece  
Elle Hansen

**Neutral:**

**Representing:**

Introducer  
Douglas County Attorney & Nebraska County Attorneys Association  
Omaha Police Officers Association  
Omaha Police Department  
Police Chiefs Association of Nebraska

**Representing:**

Nebraskans Against Gun Violence  
Nebraska Criminal Defense Attorneys Association  
Voices for Children in Nebraska  
self

**Representing:**

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

LB 556 alters Nebraska Criminal Code as it pertains to firearms.

Section 1- Citation to the Criminal Code

Section 2- Creates definition of "facsimile firearm" as: "any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm".

Renumbers definitions.

Section 3- Provides law enforcement officers may possess a firearm on the grounds of a school, even when off duty.

Section 4- Increases the penalty of possession of a deadly weapon that is not a firearm during the commission of a felony. The penalty is increased from a Class III felony to a Class IIA felony.

Section 5- Creates the offense of using a facsimile or nonfunctioning firearm to commit a felony.

This offense shall be a Class IIA felony, and shall be treated by the courts as a separate offense from the felony committed. Sentences shall be entered consecutively.

Defines "use" for the purpose of the section.

Section 6- Increases the penalty of possession of a deadly weapon that is not a firearm by a prohibited person. The penalty is increased from a Class III felony to a Class IIA felony.

Section 7- Creates the offense of possession of a firearm by a prohibited juvenile offender for any person under age twenty-five years of age who is found in possession of a firearm after having been adjudicated for previous offenses as listed in the section.

This offense shall be a Class IIIA felony for the first offense and a Class III felony for subsequent offenses.

This section does not apply to possession of firearms by active military, National Guard, ROTC, or law enforcement officers.

Prior to age twenty-five, prohibited juvenile offenders may petition the appropriate court to be exempted from this prohibition. The court shall consider: the petitioners behavior since adjudication; likelihood of future criminal activity; any other relevant factors. The court may grant the petition if it feels it will not adversely affect the public welfare and is in the person's best interest. Granting of a petition under this section does not set aside the previous adjudication or conviction.

Section 8- Alters the offense of prohibited discharge of a firearm by removing the territorial boundary requirement and defining that the prohibition applies to discharging a weapon towards and occupied building or structure as opposed to an empty building or structure.

Section 9- Adds the use of facsimile or nonfunctioning firearms to the crime of "unlawful membership recruitment", and its associated felonies as listed, a Class IV felony.

Section 10- Adds the use of facsimile or nonfunctioning firearms and possession of a firearm by a prohibited juvenile offender to the Nebraska Public Protection Act.

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**Explanation of amendments:**

Strikes original sections, and changes the bill to remove all subjects but the use of a facsimile firearm to commit a felony.

Section 1- Citation to the Criminal Code

Section 2- Creates definition of "facsimile firearm" as: "any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm".

Renumbers definitions.

Section 3- Creates the offense of using a facsimile or nonfunctioning firearm to commit a felony.

This offense shall be a Class IIA felony, and shall be treated by the courts as a separate offense from the felony committed. Sentences shall be entered consecutively.

Defines "use" for the purpose of the section.

Section 4-5- Harmonizes provisions.

Section 6- Repeals original sections.

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Laura Ebke, Chairperson