A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petitions for removal of a person's firearm-related disabilities; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 71-963, Revised Statutes Cumulative Supplement, 2016, is amended to read:

71-963 (1) Upon release from commitment or treatment, a person who, because of a mental health-related commitment or adjudication occurring under the laws of this state, is subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4) or is disqualified from obtaining a certificate to purchase, lease, rent, or receive transfer of a handgun under section 69-2404 or obtaining a permit to carry a concealed handgun under the Concealed Handgun Permit Act may petition the mental health board to remove such firearm-related disabilities.

(2)(a)(i) Upon the filing of the petition, the petitioner subject may request and, if the request is made, shall be entitled to, a review hearing by the mental health board. The petitioner shall prove by clear and convincing evidence. The mental health board shall grant a petition filed under subsection (1) of this section if the mental health board determines that:

(A i) The petitioner subject will not be likely to act in a manner dangerous to public safety; and

(B ii) The granting of the relief would not be contrary to the public interest.

(ii b) In determining whether to remove the petitioner's subject's firearm-related disabilities, the mental health board shall receive and consider evidence upon the following:

(A i) The circumstances surrounding the petitioner's subject's mental health commitment or adjudication;

(B ii) The petitioner's subject's record, which shall include, at a minimum, the petitioner's subject's mental health and criminal history records;

(C iii) The petitioner's subject's reputation, developed, at a minimum, through character witness statements, testimony, or other character evidence; and

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(D iv) Changes in the petitioner's subject's condition, treatment, treatment history, or circumstances relevant to the relief sought.

(b) The mental health board shall grant a petition filed under this section if the mental health board determines that the petitioner has proven by clear and convincing evidence that the firearm-related disabilities set forth in subsection (1) of this section should be removed.

(3) If a decision is made by the mental health board to remove the petitioner's subject's firearm-related disabilities, the clerks of the various courts shall, immediately, send as soon as practicable, but within thirty days, send an order to the Nebraska State Patrol and the Department of Health and Human Services, in a form and in a manner prescribed by the Department of Health and Human Services and the Nebraska State Patrol, stating the mental health board's findings, which shall include a statement that, in the opinion of the mental health board, (a) the petitioner subject is not likely to act in a manner that is dangerous to public safety and (b) removing the petitioner's subject's firearm-related disabilities will not be contrary to the public interest.

(4) The petitioner subject may appeal a denial of the requested relief to the district court, and review on appeal shall be de novo.

(5) If a petition is granted under this section, the commitment or adjudication for which relief is granted shall be deemed not to have occurred for purposes of section 69-2404 and the Concealed Handgun Permit Act and, pursuant to section 105(b) of Public Law 110-180, for purposes of 18 U.S.C. 922(d)(4) and (g)(4).

Sec. 2. Original section 71-963, Revised Statutes Cumulative Supplement, 2016, is repealed.