

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 816

Introduced by McCollister, 20.

Read first time January 08, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 69-2401, 69-2402, 69-2403, 69-2404, 69-2405, 69-2406,
3 69-2407, 69-2408, 69-2409, 69-2409.01, 69-2410, 69-2411, 69-2412,
4 69-2414, 69-2417, 69-2420, 69-2421, 69-2422, 69-2423, 69-2424,
5 69-2425, 69-2426, 69-2432, 71-904.01, and 71-963, Reissue Revised
6 Statutes of Nebraska; to provide for dissemination of information
7 regarding firearm safety and suicide prevention and require suicide
8 prevention training; to require a certificate and provide for other
9 requirements and restrictions on transfers of certain firearms as
10 prescribed; to change provisions relating to issuance of a
11 certificate and an appeal; to provide penalties; to name an act; to
12 define and redefine terms; to harmonize provisions; and to repeal
13 the original sections.

14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 69-2401 to 69-2425 and sections 1, 2, 4, and 22
2 of this act shall be known and may be cited as the Firearm Transfer
3 Certificate Act.

4 Sec. 2. Section 69-2401, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 ~~69-2401~~ The Legislature hereby finds and declares that the state has
7 a valid interest in the regulation of the purchase, lease, rental, and
8 transfer of handguns and certain semiautomatic shotguns and rifles and
9 that requiring a certificate prior to the purchase, lease, rental, or
10 transfer of such a firearm handgun serves a valid public purpose.

11 Sec. 3. Section 69-2402, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 69-2402 For purposes of the Firearm Transfer Certificate Act
14 sections ~~69-2401 to 69-2425~~:

15 (1) Antique handgun or pistol means any handgun or pistol, including
16 those with a matchlock, flintlock, percussion cap, or similar type of
17 ignition system, manufactured in or before 1898 and any replica of such a
18 handgun or pistol if such replica (a) is not designed or redesigned for
19 using rimfire or conventional centerfire fixed ammunition or (b) uses
20 rimfire or conventional centerfire fixed ammunition which is no longer
21 manufactured in the United States and which is not readily available in
22 the ordinary channels of commercial trade;

23 (2)(a) Barrel shroud means a shroud that is attached to, or
24 partially or completely encircles, the barrel of a firearm so that the
25 shroud protects the user of the firearm from heat generated by the
26 barrel.

27 (b) Barrel shroud does not include:

28 (i) A slide that partially or completely encloses the barrel; or

29 (ii) An extension of the stock along the bottom of the barrel which
30 does not encircle or substantially encircle the barrel;

31 (3) Belt-fed means any repeating firearm that:

1 (a) Utilizes a portion of the energy of a firing cartridge to
2 extract the fired cartridge case and chamber the next round;

3 (b) Requires a separate pull of the trigger to fire each cartridge;
4 and

5 (c) Has the capacity to accept a belt ammunition feeding device;

6 (4) (2) Criminal history record check includes a check of the
7 criminal history records of the Nebraska State Patrol and a check of the
8 Federal Bureau of Investigation's National Instant Criminal Background
9 Check System;

10 (5) Designated firearm means:

11 (a) A handgun;

12 (b) A semiautomatic rifle that has the capacity to accept a
13 detachable magazine and has any of the following:

14 (i) A pistol grip, forward grip, or any other grip or stock, the use
15 of which would allow an individual to grip the weapon in such a way that
16 any finger on the trigger hand, in addition to the trigger finger, would
17 be directly below any portion of the action of the weapon when firing;

18 (ii) A folding, telescoping, or detachable stock;

19 (iii) A grenade launcher, rocket launcher, or flare launcher;

20 (iv) A barrel shroud;

21 (v) A threaded barrel; or

22 (vi) A flash suppressor;

23 (c) A semiautomatic rifle that has a fixed magazine with the
24 capacity to accept more than ten rounds, except for an attached tubular
25 device designed to accept, and capable of operating only with, .22
26 caliber rimfire ammunition;

27 (d) A semiautomatic rifle that has an overall length of less than
28 thirty inches;

29 (e) Any part, combination of parts, component, device, attachment,
30 or accessory that is designed or functions to accelerate the rate of fire
31 of a semiautomatic rifle but not convert the semiautomatic rifle into a

1 machine gun;

2 (f) A semiautomatic shotgun that has any of the following:

3 (i) A folding, telescoping, or detachable stock;

4 (ii) A pistol grip, forward grip, or any other grip or stock, the
5 use of which would allow an individual to grip the weapon in such a way
6 that any finger on the trigger hand, in addition to the trigger finger,
7 would be directly below any portion of the action of the weapon when
8 firing;

9 (iii) A fixed magazine with the capacity to accept more than five
10 rounds;

11 (iv) The ability to accept a detachable magazine; or

12 (v) A grenade launcher, rocket launcher, or flare launcher;

13 (g) A shotgun with a revolving cylinder;

14 (h) A belt-fed semiautomatic rifle or belt-fed semiautomatic
15 shotgun;

16 (i) Any combination of parts from which a firearm described in
17 subdivisions (5)(b) through (h) of this section can be assembled; and

18 (j) The frame or receiver of a semiautomatic rifle or semiautomatic
19 shotgun described in subdivisions (5)(b) through (h) of this section;

20 (6) Detachable magazine means an ammunition feeding device that can
21 be removed from a firearm without disassembly of the firearm action;

22 (7) Firearm means any weapon which is designed to or may readily be
23 converted to expel any projectile by the action of an explosive or frame
24 or receiver of any such weapon;

25 (8) ~~(3)~~ Firearm-related disability means a person is not permitted
26 to (a) purchase, possess, ship, transport, or receive a firearm under
27 either state or federal law, (b) obtain a certificate to purchase, lease,
28 rent, or receive transfer of a designated firearm handgun under section
29 69-2404, or (c) obtain a permit to carry a concealed handgun under the
30 Concealed Handgun Permit Act; ~~and~~

31 (9) Fixed magazine means an ammunition feeding device that is

1 permanently fixed to the firearm in such a manner that it cannot be
2 removed without disassembly of the firearm;

3 (10) Folding, telescoping, or detachable stock means a stock that
4 folds, telescopes, detaches or otherwise operates to reduce the length,
5 size, or any other dimension, or otherwise enhances the concealability,
6 of a firearm;

7 (11) Forward grip means a grip located forward of the trigger that
8 functions as a pistol grip;

9 (12) Grenade launcher or rocket launcher means an attachment for use
10 on a firearm that is designed to propel a grenade, rocket, or other
11 similar destructive device;

12 (13) ~~(4)~~ Handgun means any firearm with a barrel less than sixteen
13 inches in length or any firearm designed to be held and fired by the use
14 of a single hand; -

15 (14) Machine gun has the same meaning as in section 28-1201;

16 (15) Pistol grip means a grip, a thumbhole stock, or any other
17 characteristic that can function as a grip;

18 (16) Rocket means any simple or complex tube-like device containing
19 combustibles that on being ignited liberate gases whose action propels
20 the tube through the air and has a propellant charge of not more than
21 four ounces;

22 (17) Semiautomatic rifle means any repeating rifle that:

23 (a) Utilizes a portion of the energy of a firing cartridge to
24 extract the fired cartridge case and chamber the next round; and

25 (b) Requires a separate pull of the trigger to fire each cartridge;

26 (18) Semiautomatic shotgun means any repeating shotgun that:

27 (a) Utilizes a portion of the energy of a firing cartridge to
28 extract the fired cartridge case and chamber the next round; and

29 (b) Requires a separate pull of the trigger to fire each cartridge;
30 and

31 (19) Threaded barrel means a feature or characteristic that is

1 designed in such a manner to allow for the attachment of a device such as
2 a firearm silencer or a flash suppressor.

3 Sec. 4. (1) On or before January 1, 2021, the Nebraska State Patrol
4 shall adopt and promulgate rules and regulations creating a list of
5 commonly-available semiautomatic rifles, semiautomatic shotguns, parts,
6 combinations of parts, components, devices, attachments, and accessories
7 that qualify as designated firearms. The rules and regulations shall be
8 updated at least annually.

9 (2) The list shall be published on the patrol's web site and updated
10 at least annually.

11 (3) The absence of a firearm, part, combination of parts, component,
12 device, attachment, or accessory in the patrol's rules and regulations or
13 on the list shall not be construed to mean that an item that otherwise
14 qualifies as a designated firearm is not a designated firearm. This
15 subsection does not apply if the patrol has considered the item and
16 specifically found in its rules and regulations that the item does not
17 constitute a designated firearm.

18 Sec. 5. Section 69-2403, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 69-2403 (1) Except as provided in this section and section 69-2409,
21 a person shall not purchase, lease, rent, or receive transfer of a
22 designated firearm handgun until he or she has obtained a certificate in
23 accordance with section 69-2404. Except as provided in this section and
24 section 69-2409, a person shall not sell, lease, rent, or transfer a
25 designated firearm handgun to a person who has not obtained a
26 certificate.

27 (2) The certificate shall not be required if:

28 (a) The person acquiring the designated firearm handgun is a
29 licensed firearms dealer under federal law;

30 (b) The transaction involves handgun is an antique handgun;

31 (c) The person acquiring the designated firearm handgun is

1 authorized to do so on behalf of a law enforcement agency;

2 (d) The transfer is a temporary transfer of a designated firearm
3 ~~handgun~~ and the transferee remains (i) in the line of sight of the
4 transferor or (ii) within the premises of an established shooting
5 facility;

6 (e) The transfer is between a person and his or her spouse, sibling,
7 parent, child, aunt, uncle, niece, nephew, or grandparent;

8 (f) The person acquiring the designated firearm ~~handgun~~ is a holder
9 of a valid permit under the Concealed Handgun Permit Act; or

10 (g) The person acquiring the designated firearm ~~handgun~~ is a peace
11 officer as defined in section 69-2429.

12 Sec. 6. Section 69-2404, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 69-2404 Any person desiring to purchase, lease, rent, or receive
15 transfer of a designated firearm ~~handgun~~ shall apply with the chief of
16 police or sheriff of the applicant's place of residence for a
17 certificate. The application may be made in person or by mail. The
18 application form and certificate shall be made on forms approved by the
19 Superintendent of Law Enforcement and Public Safety. The application
20 shall include the applicant's full name, address, date of birth, and
21 country of citizenship. If the applicant is not a United States citizen,
22 the application shall include the applicant's place of birth and his or
23 her alien or admission number. If the application is made in person, the
24 applicant shall also present a current Nebraska motor vehicle operator's
25 license, state identification card, or military identification card, or
26 if the application is made by mail, the application form shall describe
27 the license or card used for identification and be notarized by a notary
28 public who has verified the identification of the applicant through such
29 a license or card. An applicant shall receive a certificate if he or she
30 is twenty-one years of age or older and is not prohibited from purchasing
31 or possessing a firearm ~~handgun~~ by 18 U.S.C. 922. A fee of twenty five

1 dollars shall be charged for each application for a certificate to cover
2 the cost of a criminal history record check.

3 Sec. 7. Section 69-2405, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 69-2405 (1) Upon the receipt of an application for a certificate,
6 the chief of police or sheriff shall issue a certificate or deny a
7 certificate and furnish the applicant the specific reasons for the denial
8 in writing. The chief of police or sheriff shall be permitted up to five
9 ~~three~~ days in which to conduct an investigation to determine whether the
10 applicant is prohibited by law from purchasing or possessing a firearm
11 ~~handgun~~. If the certificate or denial is mailed to the applicant, it
12 shall be mailed to the applicant's address by first-class mail within the
13 five-day ~~three-day~~ period but no sooner than forty-eight hours after
14 receipt of the application. If it is determined that the purchase or
15 possession of a firearm ~~handgun~~ by the applicant would be in violation of
16 applicable federal, state, or local law, the chief of police or sheriff
17 shall deny the certificate.

18 (2) In computing the five-day ~~three-day~~ period, the day of receipt
19 of the application shall not be included and the last day of the five-day
20 ~~three-day~~ period shall be included. The five-day ~~three-day~~ period shall
21 expire at 11:59 p.m. of the fifth ~~third~~ day unless it is a Saturday,
22 Sunday, or legal holiday in which event the period shall run until 11:59
23 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.

24 (3)(a) Subject to subdivision (3)(b) of this, no ~~no~~ later than the
25 end of the five-day ~~three-day~~ period the chief of police or sheriff shall
26 issue or deny such certificate and, if the certificate is denied, furnish
27 the applicant the specific reasons for denial in writing.

28 (b) A certificate shall not be issued sooner than forty-eight hours
29 after receipt of the application.

30 (4) When issuing any certificate under this section, the chief of
31 police or sheriff shall include with the certificate informational

1 materials regarding suicide prevention and firearm safety. Such materials
2 shall provide evidence-based information aligned with best practices in
3 suicide prevention.

4 (5) No civil liability shall arise to any law enforcement agency if
5 such law enforcement agency complies with sections 69-2402 ~~69-2401,~~
6 ~~69-2403~~ to 69-2408, and 69-2409.01 and sections 1 and 2 of this act.

7 Sec. 8. Section 69-2406, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 69-2406 Any person who is denied a certificate, whose certificate is
10 revoked, or who has not been issued a certificate upon expiration of the
11 five-day three-day period in section 69-2405 may appeal ~~within ten days~~
12 ~~of receipt of the denial or revocation~~ to the county court of the county
13 of the applicant's place of residence. The appeal shall be filed within
14 ten days after receipt of the denial or revocation or, in the case of a
15 certificate not issued within the five-day period in section 69-2405,
16 within ten days after expiration of such period. The applicant shall file
17 with the court the specific reasons for the denial or revocation by the
18 chief of police or sheriff and pay a filing fee of ten dollars in lieu of
19 any other filing fee required by law. The court shall issue its decision
20 within thirty days of the filing of the appeal.

21 Sec. 9. Section 69-2407, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 69-2407 A certificate issued in accordance with section 69-2404
24 shall contain the holder's name, address, and date of birth and the
25 effective date of the certificate. A certificate shall authorize the
26 holder to acquire any number of designated firearms ~~handguns~~ during the
27 period that the certificate is valid. The certificate shall be valid
28 throughout the state and shall become invalid three years after its
29 effective date. If the chief of police or sheriff who issued the
30 certificate determines that the applicant has become disqualified for the
31 certificate under section 69-2404, he or she may immediately revoke the

1 certificate and require the holder to surrender the certificate
2 immediately. Revocation may be appealed pursuant to section 69-2406.

3 Sec. 10. Section 69-2408, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 69-2408 Any person who willfully provides false information on an
6 application form for a certificate under section 69-2404 shall, upon
7 conviction, be guilty of a Class IV felony, and any person who
8 intentionally violates any other provision of sections 69-2402 ~~69-2401,~~
9 ~~69-2403~~ to 69-2407, and 69-2409.01 and sections 1, 2, and 4 of this act
10 shall, upon conviction, be guilty of a Class I misdemeanor. As a part of
11 the judgment of conviction, the court may order the confiscation of the
12 designated firearm handgun.

13 Sec. 11. Section 69-2409, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 69-2409 (1) It is the intent of the Legislature that the Nebraska
16 State Patrol implement an expedited program of upgrading Nebraska's
17 automated criminal history files to be utilized for, among other law
18 enforcement purposes, an instant criminal history record check for
19 purchases of on handgun purchasers designated firearms when buying a
20 handgun from a licensed importers importer, manufacturers manufacturer,
21 and dealers, or dealer so that such instant criminal history record check
22 may be implemented as soon as possible on or after January 1, 1995.

23 (2) The patrol's automated arrest and conviction records shall be
24 reviewed annually by the Superintendent of Law Enforcement and Public
25 Safety who shall report the status of such records within thirty days of
26 such review to the Governor and the Clerk of the Legislature. The report
27 submitted to the Clerk of the Legislature shall be submitted
28 electronically. The instant criminal history record check system shall be
29 implemented by the patrol on or after January 1, 1995, when, as
30 determined by the Superintendent of Law Enforcement and Public Safety,
31 eighty-five percent of the Nebraska arrest and conviction records since

1 January 1, 1965, available to the patrol are included in the patrol's
2 automated system. Not less than thirty days prior to implementation and
3 enforcement of the instant check system, the patrol shall send written
4 notice to all licensed importers, manufacturers, and dealers outlining
5 the procedures and toll-free number described in sections 69-2410 to
6 69-2423.

7 (3) Upon implementation of the instant criminal history record check
8 system, a person who desires to purchase, lease, rent, or receive
9 transfer of a designated firearm handgun from a licensed importer,
10 manufacturer, or dealer may elect to obtain such designated firearm
11 handgun either under sections 69-2402 ~~69-2401, 69-2403~~ to 69-2408, and
12 69-2409.01 and sections 1, 2, and 4 of this act or under sections
13 69-2409.01 and 69-2410 to 69-2423.

14 Sec. 12. Section 69-2409.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

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

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

15 (2) In order to comply with sections 69-2402 ~~69-2401~~ and ~~69-2403~~ to
16 69-2408 and this section and sections 1, 2, and 4 of this act, the
17 Nebraska State Patrol shall provide to the chief of police or sheriff of
18 an applicant's place of residence or a licensee in the process of a
19 criminal history record check pursuant to section 69-2411 only the
20 information regarding whether or not the applicant is disqualified from
21 purchasing or possessing a firearm handgun.

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

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

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

18 Sec. 13. Section 69-2410, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18
21 U.S.C. 923 shall sell or deliver any designated firearm handgun to
22 another person other than a licensed importer, manufacturer, dealer, or
23 collector until he or she has:

24 (1)(a) Inspected a valid certificate issued to such person pursuant
25 to sections 69-2402 ~~69-2401, 69-2403~~ to 69-2408, and 69-2409.01 and
26 sections 1, 2, and 4 of this act; and

27 (b) Inspected a valid identification containing a photograph of such
28 person which appropriately and completely identifies such person; or

29 (2)(a) Obtained a completed consent form from the potential buyer or
30 transferee, which form shall be established by the Nebraska State Patrol
31 and provided by the licensed importer, manufacturer, or dealer. The form

1 shall include the name, address, date of birth, gender, race, and country
2 of citizenship of such potential buyer or transferee. If the potential
3 buyer or transferee is not a United States citizen, the completed consent
4 form shall contain the potential buyer's or transferee's place of birth
5 and his or her alien or admission number;

6 (b) Inspected a valid identification containing a photograph of the
7 potential buyer or transferee which appropriately and completely
8 identifies such person;

9 (c) Requested by toll-free telephone call or other electromagnetic
10 communication that the Nebraska State Patrol conduct a criminal history
11 record check; and

12 (d) Received a unique approval number for such inquiry from the
13 Nebraska State Patrol indicating the date and number on the consent form.

14 Sec. 14. Section 69-2411, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 69-2411 (1) Upon receipt of a request for a criminal history record
17 check, the Nebraska State Patrol shall as soon as possible during the
18 licensee's telephone call or by return telephone call:

19 (a) Check its criminal history records and check the Federal Bureau
20 of Investigation's National Instant Criminal Background Check System to
21 determine if the potential buyer or transferee is prohibited from receipt
22 or possession of a firearm handgun pursuant to state or federal law; and

23 (b) Either (i) inform the licensee that its records demonstrate that
24 the potential buyer or transferee is prohibited from receipt or
25 possession of a firearm handgun or (ii) provide the licensee with a
26 unique approval number.

27 (2) In the event of electronic failure or similar emergency beyond
28 the control of the Nebraska State Patrol, the patrol shall immediately
29 notify a requesting licensee of the reason for and estimated length of
30 such delay. In any event, no later than the end of the next business day
31 the Nebraska State Patrol shall either (a) inform the licensee that its

1 records demonstrate that the potential buyer or transferee is prohibited
2 from receipt or possession of a firearm handgun or (b) provide the
3 licensee with a unique approval number. If the licensee is not informed
4 by the end of the next business day that the potential buyer is
5 prohibited from receipt or possession of a firearm handgun, and
6 regardless of whether the unique approval number has been received, the
7 licensee may complete the sale or delivery and shall not be deemed to be
8 in violation of sections 69-2410 to 69-2423 with respect to such sale or
9 delivery.

10 (3) A fee of three dollars shall be charged for each request of a
11 criminal history record check required pursuant to section 69-2410, which
12 amount shall be transmitted monthly to the Nebraska State Patrol. Such
13 amount shall be for the purpose of covering the costs of the criminal
14 history record check.

15 Sec. 15. Section 69-2412, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 69-2412 (1) Any records which are created by the Nebraska State
18 Patrol to conduct the criminal history record check containing any of the
19 information set forth in subdivision (2)(a) of section 69-2410 pertaining
20 to a potential buyer or transferee who is not prohibited from receipt or
21 transfer of a firearm handgun by reason of state or federal law shall be
22 confidential and may not be disclosed by the patrol or any officer or
23 employee thereof to any person. The Nebraska State Patrol shall destroy
24 any such records as soon as possible after communicating the unique
25 approval number, and in any event, such records shall be destroyed within
26 forty-eight hours after the date of receipt of the licensee's request.

27 (2) Notwithstanding the provisions of this section, the Nebraska
28 State Patrol shall only maintain a log of dates of requests for criminal
29 history record checks and unique approval numbers corresponding to such
30 dates for not to exceed one year.

31 (3) Nothing in this section shall be construed to allow the state to

1 maintain records containing the names of licensees who receive unique
2 approval numbers or to maintain records of firearm or designated firearm
3 ~~handgun~~ transactions, including the names or other identification of
4 licensees and potential buyers or transferees including persons not
5 otherwise prohibited by law from the receipt or possession of firearms
6 ~~handguns~~.

7 Sec. 16. Section 69-2414, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 69-2414 Any person who is denied the right to purchase or receive a
10 firearm or designated firearm ~~handgun~~ as a result of procedures
11 established by sections 69-2410 to 69-2423 may request amendment of the
12 record pertaining to him or her by petitioning the Nebraska State Patrol.
13 If the Nebraska State Patrol fails to amend the record within seven days,
14 the person requesting the amendment may petition the county court of the
15 county in which he or she resides for an order directing the patrol to
16 amend the record. If the person proves by a preponderance of the evidence
17 that the record should be amended, the court shall order the record be
18 amended. If the record demonstrates that such person is not prohibited
19 from receipt or possession of a firearm or designated firearm ~~handgun~~ by
20 state or federal law, the Nebraska State Patrol shall destroy any records
21 it maintains which contain any information derived from the criminal
22 history record check.

23 Sec. 17. Section 69-2417, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 69-2417 Compliance with sections 69-2410 to 69-2423 shall be a
26 defense by the Nebraska State Patrol and the licensee transferring a
27 designated firearm ~~handgun~~ in any cause of action under the laws of this
28 state for liability for damages arising from the importation or
29 manufacture, or the subsequent sale or transfer, of any designated
30 firearm ~~handgun~~ which has been shipped or transported in interstate or
31 foreign commerce to any person who has been convicted in any court of any

1 crime punishable by a term of more than one year.

2 Sec. 18. Section 69-2420, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 69-2420 Any person who, in connection with the purchase, transfer,
5 or attempted purchase of a designated firearm handgun pursuant to
6 sections 69-2410 to 69-2423, knowingly and intentionally makes any
7 materially false oral or written statement or knowingly and intentionally
8 furnishes any false identification intended or likely to deceive the
9 licensee shall be guilty of a Class IV felony.

10 Sec. 19. Section 69-2421, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 69-2421 Any licensed importer, manufacturer, or dealer who knowingly
13 and intentionally sells or delivers a designated firearm handgun in
14 violation of the Firearm Transfer Certificate Act ~~sections 69-2401 to~~
15 ~~69-2425~~ shall be guilty of a Class IV felony.

16 Sec. 20. Section 69-2422, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 69-2422 For purposes of the Firearm Transfer Certificate Act
19 ~~sections 69-2401 to 69-2425~~, any person who knowingly and intentionally
20 obtains a designated firearm handgun for the purposes of transferring it
21 to a person who is prohibited from receipt or possession of a firearm or
22 designated firearm handgun by state or federal law shall be guilty of a
23 Class IV felony.

24 Sec. 21. Section 69-2423, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 69-2423 The Nebraska State Patrol shall provide electronically an
27 annual report to the Judiciary Committee of the Legislature which
28 includes the number of inquiries made pursuant to sections 69-2410 to
29 69-2423 for the prior calendar year, the number of such inquiries
30 resulting in a determination that the potential buyer or transferee was
31 prohibited from receipt or possession of a firearm handgun pursuant to

1 state or federal law, the estimated costs of administering such sections,
2 the number of instances in which a person requested amendment of the
3 record pertaining to such person pursuant to section 69-2414, and the
4 number of instances in which a county court issued an order directing the
5 patrol to amend a record.

6 Sec. 22. (1) At any gun show there shall be present a dealer
7 licensed pursuant to 18 U.S.C. 923. Any sale, purchase, or other transfer
8 of a designated firearm occurring at the gun show shall be reviewed or
9 conducted by the dealer to ensure compliance with the Firearm Transfer
10 Certificate Act.

11 (2) A person selling, purchasing, or otherwise transferring a
12 designated firearm in violation of this section shall be guilty of a
13 Class I misdemeanor. As a part of the judgment of conviction, the court
14 may order the confiscation of the designated firearm.

15 (3) A person sponsoring, organizing, or managing a gun show that
16 does not comply with subsection (1) of this section shall be guilty of a
17 Class IV felony.

18 (4) For purposes of this section, gun show means any event at which
19 fifty or more firearms or designated firearms are offered or exhibited
20 for sale, exchange, or transfer. The term gun show does not include an
21 offer or exhibit of firearms or designated firearms for sale, exchange,
22 or transfer by an individual from the personal collection of that
23 individual, at the private residence of that individual, if the
24 individual is not required to be licensed under 18 U.S.C. 923, as such
25 section existed on January 1, 2020.

26 Sec. 23. Section 69-2424, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 69-2424 The Nebraska State Patrol shall adopt and promulgate rules
29 and regulations to carry out the Firearm Transfer Certificate Act
30 sections 69-2401 to 69-2425.

31 Sec. 24. Section 69-2425, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 69-2425 Any city or village ordinance existing on September 6, 1991,
3 shall not be preempted by the Firearm Transfer Certificate Act sections
4 ~~69-2401 to 69-2425~~.

5 Sec. 25. Section 69-2426, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923:

8 (a) Shall Dealers of firearms shall distribute to all firearm
9 purchasers information developed by the Department of Health and Human
10 Services regarding the dangers of leaving loaded firearms unattended
11 around children; and -

12 (b) May distribute to any firearm purchasers other informational
13 materials regarding suicide prevention and firearm safety, including
14 materials that provide evidence-based information aligned with best
15 practices in suicide prevention.

16 (2) There is hereby created the Firearm Information Fund. Private
17 contributions shall be credited by the State Treasurer to such fund for
18 the implementation of the provisions of this section.

19 Sec. 26. Section 69-2432, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 69-2432 (1) The Nebraska State Patrol shall prepare and publish
22 minimum training and safety requirements for and adopt and promulgate
23 rules and regulations governing handgun training and safety courses and
24 handgun training and safety course instructors. Minimum safety and
25 training requirements for a handgun training and safety course shall
26 include, but not be limited to:

27 (a) Knowledge and safe handling of a handgun;

28 (b) Knowledge and safe handling of handgun ammunition;

29 (c) Safe handgun shooting fundamentals;

30 (d) A demonstration of competency with a handgun with respect to the
31 minimum safety and training requirements;

1 (e) Knowledge of federal, state, and local laws pertaining to the
2 purchase, ownership, transportation, and possession of handguns;

3 (f) Knowledge of federal, state, and local laws pertaining to the
4 use of a handgun, including, but not limited to, use of a handgun for
5 self-defense and laws relating to justifiable homicide and the various
6 degrees of assault;

7 (g) Knowledge of ways to avoid a criminal attack and to defuse or
8 control a violent confrontation;~~and~~

9 (h) Knowledge of proper storage practices for handguns and
10 ammunition, including storage practices which would reduce the
11 possibility of accidental injury to a child; and -

12 (i) Suicide prevention training. Such training shall consist of a
13 nationally recognized training module developed through a partnership
14 between the American Foundation for Suicide Prevention and the National
15 Shooting Sports Foundation or a nationally recognized training module
16 developed by successor organizations designated by the Nebraska State
17 Patrol.

18 (2) A person or entity conducting a handgun training and safety
19 course and the course instructors shall be approved by the patrol before
20 operation. The patrol shall issue a certificate evidencing its approval.

21 (3) A certificate of completion of a handgun training and safety
22 course shall be issued by the person or entity conducting a handgun
23 training and safety course to persons successfully completing the course.
24 The certificate of completion shall also include certification from the
25 instructor that the person completing the course does not suffer from a
26 readily discernible physical infirmity that prevents the person from
27 safely handling a handgun.

28 (4) Any fee for participation in a handgun training and safety
29 course is the responsibility of the applicant.

30 Sec. 27. Section 71-904.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-904.01 Firearm-related disability means a person is not permitted
2 to (1) purchase, possess, ship, transport, or receive a firearm under
3 either state or federal law, (2) obtain a certificate to purchase, lease,
4 rent, or receive transfer of a designated firearm handgun under section
5 69-2404, or (3) obtain a permit to carry a concealed handgun under the
6 Concealed Handgun Permit Act.

7 Sec. 28. Section 71-963, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 71-963 (1) Upon release from commitment or treatment, a person who,
10 because of a mental health-related commitment or adjudication occurring
11 under the laws of this state, is subject to the disability provisions of
12 18 U.S.C. 922(d)(4) and (g)(4) or is disqualified from obtaining a
13 certificate to purchase, lease, rent, or receive transfer of a designated
14 firearm handgun under section 69-2404 or obtaining a permit to carry a
15 concealed handgun under the Concealed Handgun Permit Act may petition the
16 mental health board to remove such firearm-related disabilities.

17 (2)(a)(i) Upon the filing of the petition, the petitioner may
18 request and, if the request is made, shall be entitled to, a review
19 hearing by the mental health board. The petitioner shall prove by clear
20 and convincing evidence that:

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

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

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

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

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

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

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

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

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

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

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

28 Sec. 29. Original sections 69-2401, 69-2402, 69-2403, 69-2404,
29 69-2405, 69-2406, 69-2407, 69-2408, 69-2409, 69-2409.01, 69-2410,
30 69-2411, 69-2412, 69-2414, 69-2417, 69-2420, 69-2421, 69-2422, 69-2423,
31 69-2424, 69-2425, 69-2426, 69-2432, 71-904.01, and 71-963, Reissue

1 Revised Statutes of Nebraska, are repealed.