

AMENDMENTS TO LB773

Introduced by Brewer, 43.

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

3 Section 1. Section 14-102, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 14-102 In addition to the powers granted in section 14-101, cities
6 of the metropolitan class shall have power by ordinance:

7 Taxes, special assessments.

8 (1) To levy any tax or special assessment authorized by law;

9 Corporate seal.

10 (2) To provide a corporate seal for the use of the city, and also
11 any official seal for the use of any officer, board, or agent of the
12 city, whose duties require an official seal to be used. Such corporate
13 seal shall be used in the execution of municipal bonds, warrants,
14 conveyances, and other instruments and proceedings as required by law;

15 Regulation of public health.

16 (3) To provide all needful rules and regulations for the protection
17 and preservation of health within the city; and for this purpose they may
18 provide for the enforcement of the use of water from public water
19 supplies when the use of water from other sources shall be deemed unsafe;

20 Appropriations for debts and expenses.

21 (4) To appropriate money and provide for the payment of debts and
22 expenses of the city;

23 Protection of strangers and travelers.

24 (5) To adopt all such measures as they may deem necessary for the
25 accommodation and protection of strangers and the traveling public in
26 person and property;

27 Firearms Concealed weapons, firearms, fireworks, explosives.

1 (6) To punish and prevent the carrying of concealed weapons, except
2 the carrying of a concealed handgun in compliance with the Concealed
3 Handgun Permit Act, and the discharge of firearms, fireworks, or
4 explosives of any description within the city, other than the discharge
5 of firearms at a shooting range pursuant to the Nebraska Shooting Range
6 Protection Act;

7 Sale of foodstuffs.

8 (7) To regulate the inspection and sale of meats, flour, poultry,
9 fish, milk, vegetables, and all other provisions or articles of food
10 exposed or offered for sale in the city;

11 Official bonds.

12 (8) To require all officers or servants elected or appointed to give
13 bond and security for the faithful performance of their duties; but no
14 officer shall become security upon the official bond of another or upon
15 any bond executed to the city;

16 Official reports of city officers.

17 (9) To require from any officer of the city at any time a report, in
18 detail, of the transactions of his or her office or any matter connected
19 therewith;

20 Cruelty to children and animals.

21 (10) To provide for the prevention of cruelty to children and
22 animals;

23 Dogs; taxes and restrictions.

24 (11) To regulate, license, or prohibit the running at large of dogs
25 and other animals within the city as well as in areas within three miles
26 of the corporate limits of the city, to guard against injuries or
27 annoyance from such dogs and other animals, and to authorize the
28 destruction of the dogs and other animals when running at large contrary
29 to the provisions of any ordinance. Any licensing provision shall comply
30 with subsection (2) of section 54-603 for service animals;

31 Cleaning sidewalks.

1 (12) To provide for keeping sidewalks clean and free from
2 obstructions and accumulations, to provide for the assessment and
3 collection of taxes on real estate and for the sale and conveyance
4 thereof, and to pay the expenses of keeping the sidewalk adjacent to such
5 real estate clean and free from obstructions and accumulations as herein
6 provided;

7 Planting and trimming of trees; protection of birds.

8 (13) To provide for the planting and protection of shade or
9 ornamental and useful trees upon the streets or boulevards, to assess the
10 cost thereof to the extent of benefits upon the abutting property as a
11 special assessment, and to provide for the protection of birds and
12 animals and their nests; to provide for the trimming of trees located
13 upon the streets and boulevards or when the branches of trees overhang
14 the streets and boulevards when in the judgment of the mayor and council
15 such trimming is made necessary to properly light such street or
16 boulevard or to furnish proper police protection and to assess the cost
17 thereof upon the abutting property as a special assessment;

18 Naming and numbering streets and houses.

19 (14) To provide for, regulate, and require the numbering or
20 renumbering of houses along public streets or avenues; to care for and
21 control and to name and rename streets, avenues, parks, and squares
22 within the city;

23 Weeds.

24 (15) To require weeds and worthless vegetation growing upon any lot
25 or piece of ground within the city or its three-mile zoning jurisdiction
26 to be cut and destroyed so as to abate any nuisance occasioned thereby,
27 to prohibit and control the throwing, depositing, or accumulation of
28 litter on any lot or piece of ground within the city or its three-mile
29 zoning jurisdiction and to require the removal thereof so as to abate any
30 nuisance occasioned thereby, and if the owner fails to cut and destroy
31 weeds and worthless vegetation or remove litter, or both, after notice as

1 required by ordinance, to assess the cost thereof upon the lots or lands
2 as a special assessment. The notice required to be given may be by
3 publication in the official newspaper of the city and may be directed in
4 general terms to the owners of lots and lands affected without naming
5 such owners;

6 Animals running at large.

7 (16) To prohibit and regulate the running at large or the herding or
8 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,
9 fowls, or animals of any kind or description within the corporate limits
10 and provide for the impounding of all animals running at large, herded,
11 or driven contrary to such prohibition; and to provide for the forfeiture
12 and sale of animals impounded to pay the expense of taking up, caring
13 for, and selling such impounded animals, including the cost of
14 advertising and fees of officers;

15 Use of streets.

16 (17) To regulate the transportation of articles through the streets,
17 to prevent injuries to the streets from overloaded vehicles, and to
18 regulate the width of wagon tires and tires of other vehicles;

19 Playing on streets and sidewalks.

20 (18) To prevent or regulate the rolling of hoops, playing of ball,
21 flying of kites, the riding of bicycles or tricycles, or any other
22 amusement or practice having a tendency to annoy persons passing in the
23 streets or on the sidewalks or to frighten teams or horses; to regulate
24 the use of vehicles propelled by steam, gas, electricity, or other motive
25 power, operated on the streets of the city;

26 Combustibles and explosives.

27 (19) To regulate or prohibit the transportation and keeping of
28 gunpowder, oils, and other combustible and explosive articles;

29 Public sale of chattels on streets.

30 (20) To regulate, license, or prohibit the sale of domestic animals
31 or of goods, wares, and merchandise at public auction on the streets,

1 alleys, highways, or any public ground within the city;

2 Signs and obstruction in streets.

3 (21) To regulate and prevent the use of streets, sidewalks, and

4 public grounds for signs, posts, awnings, awning posts, scales, or other

5 like purposes; to regulate and prohibit the exhibition or carrying or

6 conveying of banners, placards, advertisements, or the distribution or

7 posting of advertisements or handbills in the streets or public grounds

8 or upon the sidewalks;

9 Disorderly conduct.

10 (22) To provide for the punishment of persons disturbing the peace

11 and good order of the city by clamor and noise, intoxication,

12 drunkenness, fighting, or using obscene or profane language in the

13 streets or other public places or otherwise violating the public peace by

14 indecent or disorderly conduct or by lewd and lascivious behavior;

15 Vagrants and tramps.

16 (23) To provide for the punishment of vagrants, tramps, common

17 street beggars, common prostitutes, habitual disturbers of the peace,

18 pickpockets, gamblers, burglars, thieves, or persons who practice any

19 game, trick, or device with intent to swindle, persons who abuse their

20 families, and suspicious persons who can give no reasonable account of

21 themselves; and to punish trespassers upon private property;

22 Disorderly houses, gambling, offenses against public morals.

23 (24) To prohibit, restrain, and suppress tippling shops, houses of

24 prostitution, opium joints, gambling houses, prize fighting, dog

25 fighting, cock fighting, and other disorderly houses and practices, all

26 games and gambling and desecration of the Sabbath, commonly called

27 Sunday, and all kinds of indecencies; to regulate and license or prohibit

28 the keeping and use of billiard tables, ten pins or ball alleys, shooting

29 galleries except as provided in the Nebraska Shooting Range Protection

30 Act, and other similar places of amusement; and to prohibit and suppress

31 all lotteries and gift enterprises of all kinds under whatsoever name

1 carried on, except that nothing in this subdivision shall be construed to
2 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
3 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
4 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
5 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

6 Police regulation in general.

7 (25) To make and enforce all police regulations for the good
8 government, general welfare, health, safety, and security of the city and
9 the citizens thereof in addition to the police powers expressly granted
10 herein; and in the exercise of the police power, to pass all needful and
11 proper ordinances and impose fines, forfeitures, penalties, and
12 imprisonment at hard labor for the violation of any ordinance, and to
13 provide for the recovery, collection, and enforcement thereof; and in
14 default of payment to provide for confinement in the city or county
15 prison, workhouse, or other place of confinement with or without hard
16 labor as may be provided by ordinance;

17 Fast driving on streets.

18 (26) To prevent horseracing and immoderate driving or riding on the
19 street and to compel persons to fasten their horses or other animals
20 attached to vehicles while standing in the streets;

21 Libraries, art galleries, and museums.

22 (27) To establish and maintain public libraries, reading rooms, art
23 galleries, and museums and to provide the necessary grounds or buildings
24 therefor; to purchase books, papers, maps, manuscripts, works of art, and
25 objects of natural or of scientific curiosity, and instruction therefor;
26 to receive donations and bequests of money or property for the same in
27 trust or otherwise and to pass necessary bylaws and regulations for the
28 protection and government of the same;

29 Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

30 (28) To erect, designate, establish, maintain, and regulate
31 hospitals or workhouses, houses of correction, jails, station houses,

1 fire engine houses, asphalt repair plants, and other necessary buildings;
2 and to erect, designate, establish, maintain, and regulate plants for the
3 removal, disposal, or recycling of garbage and refuse or to make
4 contracts for garbage and refuse removal, disposal, or recycling, or all
5 of the same, and to charge equitable fees for such removal, disposal, or
6 recycling, or all of the same, except as hereinafter provided. The fees
7 collected pursuant to this subdivision shall be credited to a single fund
8 to be used exclusively by the city for the removal, disposal, or
9 recycling of garbage and refuse, or all of the same, including any costs
10 incurred for collecting the fee. Before any contract for such removal,
11 disposal, or recycling is let, the city council shall make specifications
12 therefor, bids shall be advertised for as now provided by law, and the
13 contract shall be let to the lowest and best bidder, who shall furnish
14 bond to the city conditioned upon his or her carrying out the terms of
15 the contract, the bond to be approved by the city council. Nothing in
16 this section, and no contract or regulation made by the city council,
17 shall be so construed as to prohibit any person, firm, or corporation
18 engaged in any business in which garbage or refuse accumulates as a
19 byproduct from selling, recycling, or otherwise disposing of his, her, or
20 its garbage or refuse or hauling such garbage or refuse through the
21 streets and alleys under such uniform and reasonable regulations as the
22 city council may by ordinance prescribe for the removal and hauling of
23 garbage or refuse;

24 Market places.

25 (29) To erect and establish market houses and market places and to
26 provide for the erection of all other useful and necessary buildings for
27 the use of the city and for the protection and safety of all property
28 owned by the city; and such market houses and market places and buildings
29 aforesaid may be located on any street, alley, or public ground or on
30 land purchased for such purpose;

31 Cemeteries, registers of births and deaths.

1 (30) To prohibit the establishment of additional cemeteries within
2 the limits of the city, to regulate the registration of births and
3 deaths, to direct the keeping and returning of bills of mortality, and to
4 impose penalties on physicians, sextons, and others for any default in
5 the premises;

6 Plumbing, etc., inspection.

7 (31) To provide for the inspection of steam boilers, electric light
8 appliances, pipefittings, and plumbings, to regulate their erection and
9 construction, to appoint inspectors, and to declare their powers and
10 duties, except as herein otherwise provided;

11 Fire limits and fire protection.

12 (32) To prescribe fire limits and regulate the erection of all
13 buildings and other structures within the corporate limits; to provide
14 for the removal of any buildings or structures or additions thereto
15 erected contrary to such regulations, to provide for the removal of
16 dangerous buildings, and to provide that wooden buildings shall not be
17 erected or placed or repaired in the fire limits; but such ordinance
18 shall not be suspended or modified by resolution nor shall exceptions be
19 made by ordinance or resolution in favor of any person, firm, or
20 corporation or concerning any particular lot or building; to direct that
21 all and any building within such fire limits, when the same shall have
22 been damaged by fire, decay, or otherwise, to the extent of fifty percent
23 of the value of a similar new building above the foundation, shall be
24 torn down or removed; and to prescribe the manner of ascertaining such
25 damages and to assess the cost of removal of any building erected or
26 existing contrary to such regulations or provisions, against the lot or
27 real estate upon which such building or structure is located or shall be
28 erected, or to collect such costs from the owner of any such building or
29 structure and enforce such collection by civil action in any court of
30 competent jurisdiction;

31 Building regulations.

1 (33) To regulate the construction, use, and maintenance of party
2 walls, to prescribe and regulate the thickness, strength, and manner of
3 constructing stone, brick, wood, or other buildings and the size and
4 shape of brick and other material placed therein, to prescribe and
5 regulate the construction and arrangement of fire escapes and the placing
6 of iron and metallic shutters and doors therein and thereon, and to
7 provide for the inspection of elevators and hoist-way openings to avoid
8 accidents; to prescribe, regulate, and provide for the inspection of all
9 plumbing, pipefitting, or sewer connections in all houses or buildings
10 now or hereafter erected; to regulate the size, number, and manner of
11 construction of halls, doors, stairways, seats, aisles, and passageways
12 of theaters, tenement houses, audience rooms, and all buildings of a
13 public character, whether now built or hereafter to be built, so that
14 there may be convenient, safe, and speedy exit in case of fire; to
15 prevent the dangerous construction and condition of chimneys, fireplaces,
16 hearts, stoves, stovepipes, ovens, boilers, and heating appliances used
17 in or about any building or a manufactory and to cause the same to be
18 removed or placed in safe condition when they are considered dangerous;
19 to regulate and prevent the carrying on of manufactures dangerous in
20 causing and promoting fires; to prevent the deposit of ashes in unsafe
21 places and to cause such buildings and enclosures as may be in a
22 dangerous state to be put in a safe condition; to prevent the disposing
23 of and delivery or use in any building or other structure, of soft,
24 shelly, or imperfectly burned brick or other unsuitable building material
25 within the city limits and provide for the inspection of the same; to
26 provide for the abatement of dense volumes of smoke; to regulate the
27 construction of areaways, stairways, and vaults and to regulate partition
28 fences; to enforce proper heating and ventilation of buildings used for
29 schools, workhouses, or shops of every class in which labor is employed
30 or large numbers of persons are liable to congregate;

31 Warehouses and street railways.

1 (34) To regulate levees, depots and depot grounds, and places for
2 storing freight and goods and to provide for and regulate the laying of
3 tracks and the passage of steam or other railways through the streets,
4 alleys, and public grounds of the city;

5 Lighting railroad property.

6 (35) To require the lighting of any railway within the city, the
7 cars of which are propelled by steam, and to fix and determine the
8 number, size, and style of lampposts, burners, lamps, and all other
9 fixtures and apparatus necessary for such lighting and the points of
10 location for such lampposts; and in case any company owning or operating
11 such railways shall fail to comply with such requirements, the council
12 may cause the same to be done and may assess the expense thereof against
13 such company, and the same shall constitute a lien upon any real estate
14 belonging to such company and lying within such city and may be collected
15 in the same manner as taxes for general purposes;

16 City publicity.

17 (36) To provide for necessary publicity and to appropriate money for
18 the purpose of advertising the resources and advantages of the city;

19 Offstreet parking.

20 (37) To erect, establish, and maintain offstreet parking areas on
21 publicly owned property located beneath any elevated segment of the
22 National System of Interstate and Defense Highways or portion thereof, or
23 public property title to which is in the city on May 12, 1971, or
24 property owned by the city and used in conjunction with and incidental to
25 city-operated facilities, and to regulate parking thereon by time
26 limitation devices or by lease;

27 Public passenger transportation systems.

28 (38) To acquire, by the exercise of the power of eminent domain or
29 otherwise, lease, purchase, construct, own, maintain, operate, or
30 contract for the operation of public passenger transportation systems,
31 excluding taxicabs and railroad systems, including all property and

1 facilities required therefor, within and without the limits of the city,
2 to redeem such property from prior encumbrance in order to protect or
3 preserve the interest of the city therein, to exercise all powers granted
4 by the Constitution of Nebraska and laws of the State of Nebraska or
5 exercised by or pursuant to a home rule charter adopted pursuant thereto,
6 including, but not limited to, receiving and accepting from the
7 government of the United States or any agency thereof, from the State of
8 Nebraska or any subdivision thereof, and from any person or corporation
9 donations, devises, gifts, bequests, loans, or grants for or in aid of
10 the acquisition, operation, and maintenance of such public passenger
11 transportation systems and to administer, hold, use, and apply the same
12 for the purposes for which such donations, devises, gifts, bequests,
13 loans, or grants may have been made, to negotiate with employees and
14 enter into contracts of employment, to employ by contract or otherwise
15 individuals singularly or collectively, to enter into agreements
16 authorized under the Interlocal Cooperation Act or the Joint Public
17 Agency Act, to contract with an operating and management company for the
18 purpose of operating, servicing, and maintaining any public passenger
19 transportation systems any city of the metropolitan class shall acquire,
20 and to exercise such other and further powers as may be necessary,
21 incident, or appropriate to the powers of such city; and

22 Regulation of air quality.

23 (39) In addition to powers conferred elsewhere in the laws of the
24 state and notwithstanding any other law of the state, to implement and
25 enforce an air pollution control program within the corporate limits of
26 the city under subdivision (23) of section 81-1504 or subsection (1) of
27 section 81-1528, which program shall be consistent with the federal Clean
28 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include
29 without limitation those involving injunctive relief, civil penalties,
30 criminal fines, and burden of proof. Nothing in this section shall
31 preclude the control of air pollution by resolution, ordinance, or

1 regulation not in actual conflict with the state air pollution control
2 regulations.

3 Sec. 2. Section 15-255, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 15-255 A city of the primary class may (1) prohibit riots, routs,
6 noise, or disorderly assemblies, (2) prevent the discharge use of
7 firearms, rockets, powder, fireworks, or other dangerous and combustible
8 material, (3) ~~prohibit carrying of concealed weapons, except the carrying~~
9 ~~of a concealed handgun in compliance with the Concealed Handgun Permit~~
10 ~~Act,~~ (4) regulate and prevent the transportation of gunpowder or
11 combustible articles, tar, pitch, resin, coal oil, benzine, turpentine,
12 hemp, cotton, nitroglycerine, dynamite, petroleum or its products, or
13 other explosives or inflammables, (4) (5) regulate use of lights in
14 stables, shops, or other places and building of bonfires, and (5) (6)
15 regulate and prohibit the piling of building material or any excavation
16 or obstruction of the streets.

17 Sec. 3. Section 16-227, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 16-227 A city of the first class may (1) prevent and restrain riots,
20 routs, noises, disturbances, breaches breach of the peace, or disorderly
21 assemblies in any street, house, or place in the city, (2) regulate,
22 punish, and prevent the discharge of firearms, rockets, powder,
23 fireworks, or any other dangerous combustible material in the streets,
24 lots, grounds, and alleys or about or in the vicinity of any buildings,
25 (3) ~~regulate, prevent, and punish the carrying of concealed weapons,~~
26 ~~except the carrying of a concealed handgun in compliance with the~~
27 ~~Concealed Handgun Permit Act,~~ (4) arrest, regulate, punish, or fine
28 vagabonds, (4) (5) regulate and prevent the transportation or storage of
29 gunpowder or other explosive or combustible articles, tar, pitch, resin,
30 coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite,
31 petroleum or any other productions thereof, and other materials of like

1 nature, the use of lights in stables, shops, or other places, and the
2 building of bonfires, and (5) ~~(6)~~ regulate and prohibit the piling of
3 building material or any excavation or obstruction in the street.

4 Sec. 4. Section 17-556, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 17-556 Cities of the second class and villages shall have the power
7 to (1) prevent and restrain riots, routs, noises, disturbances, or
8 disorderly assemblages, (2) regulate, prevent, restrain, or remove
9 nuisances and to designate what shall be considered a nuisance, (3)
10 regulate, punish, and prevent the discharge of firearms, rockets, powder,
11 fireworks, or any other dangerous combustible material in the streets,
12 lots, grounds, alleys, or about or in the vicinity of any buildings, ~~(4)~~
~~regulate, prevent, and punish the carrying of concealed weapons, except~~
~~the carrying of a concealed handgun in compliance with the Concealed~~
~~Handgun Permit Act, and (4) (5)~~ arrest, regulate, punish, or fine all
16 vagrants.

17 Sec. 5. Section 18-1703, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 ~~18-1703 (1) Counties, cities, Cities~~ and villages shall not have
20 the power to regulate the ownership, possession, or transportation of a
21 concealed handgun, ~~as such ownership, possession, or transportation is~~
~~authorized under the Concealed Handgun Permit Act, except as expressly~~
23 provided by state law, and shall not have the power to require
24 registration of a concealed handgun ~~owned, possessed, or transported by a~~
25 ~~permitholder under the act. Any existing county, city, or village~~
26 ordinance, permit, or regulation regulating the ownership, possession, or
27 transportation of a concealed handgun, ~~as such ownership, possession, or~~
~~transportation is authorized under the act, except as expressly provided~~
29 under state law, and any existing ~~county, city, or village~~ ordinance,
30 permit, or regulation requiring the registration of a concealed handgun
31 ~~owned, possessed, or transported by a permitholder under the act, is~~

1 declared to be null and void as against any person permitted to carry a
2 concealed handgun under section 9 of this act permitholder possessing a
3 valid permit under the act.

4 (2) For purposes of this section, concealed handgun has the same
5 meaning as in section 28-1201.

6 Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
9 sections 9, 10, 11, and 12 of this act shall be known and may be cited as
10 the Nebraska Criminal Code.

11 Sec. 7. Section 28-1201, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections
14 9, 10, 11, and 12 of this act, unless the context otherwise requires:

15 (1) Case means (a) a hard-sided or soft-sided box, container, or
16 receptacle intended or designed for the primary purpose of storing or
17 transporting a firearm or (b) the firearm manufacturer's original
18 packaging. This definition does not apply to section 28-1204.04;

19 (2) Concealed handgun means a handgun that is entirely obscured from
20 view. If any part of the handgun is capable of being seen or observed by
21 another person, it is not a concealed handgun;

22 (3) (1) Firearm means any weapon which is designed to or may readily
23 be converted to expel any projectile by the action of an explosive or
24 frame or receiver of any such weapon;

25 (4) (2) Fugitive from justice means any person who has fled or is
26 fleeing from any peace officer to avoid prosecution or incarceration for
27 a felony;

28 (5) (3) Handgun means any firearm with a barrel less than sixteen
29 inches in length or any firearm designed to be held and fired by the use
30 of a single hand;

31 (6) (4) Juvenile means any person under the age of eighteen years;

1 (7) (5) Knife means:

2 (a) Any dagger, dirk, knife, or stiletto with a blade over three and
3 one-half inches in length and which, in the manner it is used or intended
4 to be used, is capable of producing death or serious bodily injury; or
5 (b) Any other dangerous instrument which is capable of inflicting
6 cutting, stabbing, or tearing wounds and which, in the manner it is used
7 or intended to be used, is capable of producing death or serious bodily
8 injury;

9 (8) (6) Knuckles and brass or iron knuckles means any instrument
10 that consists of finger rings or guards made of a hard substance and that
11 is designed, made, or adapted for the purpose of inflicting serious
12 bodily injury or death by striking a person with a fist enclosed in the
13 knuckles;

14 (9) (7) Machine gun means any firearm, whatever its size and usual
15 designation, that shoots automatically more than one shot, without manual
16 reloading, by a single function of the trigger;

17 (10)(a) Minor means a person who is under twenty-one years of age.

18 (b) Minor does not include a person who is eighteen years of age or
19 older if the person is (i) a member of the armed forces of the United
20 States, active or reserve, National Guard of this state, or Reserve
21 Officers Training Corps or (ii) a peace officer or other duly authorized
22 law enforcement officer;

23 (11) Prohibited person means:

24 (a) A person prohibited from possessing a firearm or ammunition by
25 state law, including, but not limited to, section 28-1206; or

26 (b) A person prohibited from possessing a firearm or ammunition by
27 18 U.S.C. 922(d) or (g), as such provisions existed on January 1, 2022;

28 (12) (8) School means a public, private, denominational, or
29 parochial elementary, vocational, or secondary school, a private
30 postsecondary career school as defined in section 85-1603, a community
31 college, a public or private college, a junior college, or a university;

1 (13) (9) Short rifle means a rifle having a barrel less than sixteen
2 inches long or an overall length of less than twenty-six inches; and

3 (14) (10) Short shotgun means a shotgun having a barrel or barrels
4 less than eighteen inches long or an overall length of less than twenty-
5 six inches.

6 Sec. 8. Section 28-1202, Revised Statutes Supplement, 2021, is
7 amended to read:

8 28-1202 (1) A minor or a prohibited (1)(a) Except as otherwise
9 provided in this section, any person shall not carry who carries a weapon
10 or weapons concealed on or about his or her person, such as a handgun, a
11 knife, brass or iron knuckles, or any other deadly weapon, commits the
12 offense of carrying a concealed weapon.

13 (b) It is an affirmative defense that the defendant was engaged in
14 any lawful business, calling, or employment at the time he or she was
15 carrying any weapon or weapons and the circumstances in which such person
16 was placed at the time were such as to justify a prudent person in
17 carrying the weapon or weapons for the defense of his or her person,
18 property, or family.

19 (2) This section does not apply to a person who is the holder of a
20 valid permit issued under the Concealed Handgun Permit Act if the
21 concealed weapon the defendant is carrying is a handgun.

22 (3)(a) This section does not apply to storing or transporting a
23 firearm in a motor vehicle for any lawful purpose or to transporting a
24 firearm directly to or from a motor vehicle to or from any place where
25 such firearm may be lawfully possessed or carried by such person, if such
26 firearm is unloaded, kept separate from ammunition, and enclosed in a
27 case. This subsection shall not apply to any person prohibited by state
28 or federal law from possessing, carrying, transporting, shipping, or
29 receiving a firearm.

30 (b) For purposes of this subsection, case means (i) a hard-sided or
31 soft-sided box, container, or receptacle intended or designed for the

1 primary purpose of storing or transporting a firearm or (ii) the firearm
2 manufacturer's original packaging.

3 (4) Carrying a concealed weapon is a Class I misdemeanor.

4 (2) A violation of this section is a Class I misdemeanor for a first
5 offense and a (5) In the case of a second or subsequent conviction under
6 this section, carrying a concealed weapon is a Class IV felony for a
7 second or subsequent offense.

8 Sec. 9. Section 69-2441, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 69-2441 (1)(a) A person, other than a minor or a prohibited person,
11 A permitholder may carry a concealed handgun anywhere in Nebraska, except
12 any: Police, sheriff, or Nebraska State Patrol station or office;
13 detention facility, prison, or jail; courtroom or building which contains
14 a courtroom; polling place during a bona fide election; meeting of the
15 governing body of a county, public school district, municipality, or
16 other political subdivision; meeting of the Legislature or a committee of
17 the Legislature; financial institution; professional or semiprofessional
18 athletic event; building, grounds, vehicle, or sponsored activity or
19 athletic event of any public, private, denominational, or parochial
20 elementary, vocational, or secondary school, a private postsecondary
21 career school as defined in section 85-1603, a community college, or a
22 public or private college, junior college, or university; place of
23 worship; hospital, emergency room, or trauma center; political rally or
24 fundraiser; establishment having a license issued under the Nebraska
25 Liquor Control Act that derives over one-half of its total income from
26 the sale of alcoholic liquor; place where the possession or carrying of a
27 firearm is prohibited by state or federal law; a place or premises where
28 the person, persons, entity, or entities in control of the property or
29 employer in control of the property has prohibited the permitholders from
30 carrying of concealed handguns into or onto the place or premises; or
31 into or onto any other place or premises where handguns are prohibited by

1 state law.

2 (b) A financial institution may authorize its security personnel to
3 carry concealed handguns in the financial institution while on duty so
4 long as each member of the security personnel, as authorized, is not
5 otherwise prohibited by state law from possessing or carrying a concealed
6 handgun and is in compliance with sections 10, 11, and 12 of this act the
7 Concealed Handgun Permit Act and possesses a permit to carry a concealed
8 handgun issued pursuant to the act.

9 (c) A place of worship may authorize its security personnel to carry
10 concealed handguns on its property if:

11 (i) Each so long as each member of the security personnel, as
12 authorized, is not otherwise prohibited by state law from possessing or
13 carrying a concealed handgun and is in compliance with sections 10, 11,
14 and 12 of this act; the Concealed Handgun Permit Act and possesses a
15 permit to carry a concealed handgun issued pursuant to the act

16 (ii) Written and written notice is given to the congregation; and

17 (iii) For leased , if the property is leased, the carrying of
18 concealed handguns on the property does not violate the terms of any real
19 property lease agreement between the place of worship and the lessor.

20 (2) If a person, persons, entity, or entities in control of the
21 property or an employer in control of the property prohibits the a
22 permitholder from carrying of a concealed handgun into or onto the place
23 or premises and such place or premises are open to the public, a person
24 permitholder does not violate this section unless the person, persons,
25 entity, or entities in control of the property or employer in control of
26 the property has posted conspicuous notice that carrying a concealed
27 handgun is prohibited in or on the place or premises or has made a
28 request, directly or through an authorized representative or management
29 personnel, that the person permitholder remove the concealed handgun from
30 the place or premises.

31 (3) A person permitholder carrying a concealed handgun in a vehicle

1 or on his or her person while riding in or on a vehicle into or onto any
2 parking area, which is open to the public, used by any location listed in
3 subdivision (1)(a) of this section, does not violate this section if,
4 prior to exiting the vehicle, the handgun is locked inside the glove box,
5 trunk, or other compartment of the vehicle, a storage box securely
6 attached to the vehicle, or, if the vehicle is a motorcycle, other than
7 an autocycle, a hardened compartment securely attached to the motorcycle.
8 This subsection does not apply to any parking area used by such location
9 when the carrying of a concealed handgun into or onto such parking area
10 is prohibited by federal law.

11 (4) An employer may prohibit employees or other persons ~~who are~~
12 ~~permitholders~~ from carrying concealed handguns in vehicles owned by the
13 employer.

14 (5) A violation of this section is a Class III misdemeanor for a
15 first offense and a Class I misdemeanor for any second or subsequent
16 offense.

17 (5) ~~A permitholder shall not carry a concealed handgun while he or~~
18 ~~she is consuming alcohol or while the permitholder has remaining in his~~
19 ~~or her blood, urine, or breath any previously consumed alcohol or any~~
20 ~~controlled substance as defined in section 28-401. A permitholder does~~
21 ~~not violate this subsection if the controlled substance in his or her~~
22 ~~blood, urine, or breath was lawfully obtained and was taken in~~
23 ~~therapeutically prescribed amounts.~~

24 Sec. 10. (1) Except as provided in subsections (2) and (3) of this
25 section, a person not otherwise prohibited by state law from possessing
26 or carrying a concealed handgun shall not carry a concealed handgun while
27 such person:

28 (a) Is consuming alcohol; or

29 (b) Has remaining in such person's blood, urine, or breath any
30 previously consumed alcohol or any controlled substance as defined in
31 section 28-401.

1 (2) A person does not violate this section if the controlled
2 substance in such person's blood, urine, or breath was lawfully obtained
3 and was taken in therapeutically prescribed amounts.

4 (3) A person does not violate this section if:

5 (a) Such person is storing or transporting a handgun in a motor
6 vehicle for any lawful purpose or transporting a handgun directly to or
7 from a motor vehicle to or from any place where such handgun may be
8 lawfully possessed or carried by such person; and

9 (b) Such handgun is unloaded, kept separate from ammunition, and
10 enclosed in a case.

11 (4) A violation of this section is a Class III misdemeanor for a
12 first offense and a Class I misdemeanor for any second or subsequent
13 offense.

14 Sec. 11. (1) This section applies to a person who is not otherwise
15 prohibited by state law from possessing or carrying a concealed handgun.

16 (2) Except as provided in subsection (3) of this section, any time a
17 person is carrying a concealed handgun, such person shall also carry such
18 person's identification document. The person shall display the
19 identification document when asked to do so by a peace officer or by
20 emergency services personnel.

21 (3) A person is not required to comply with this section if:

22 (a) Such person is storing or transporting a handgun in a motor
23 vehicle for any lawful purpose or transporting a handgun directly to or
24 from a motor vehicle to or from any place where such handgun may be
25 lawfully possessed or carried by such person; and

26 (b) Such handgun is unloaded, kept separate from ammunition, and
27 enclosed in a case.

28 (4) For purposes of this section:

29 (a) Emergency services personnel means a volunteer or paid
30 firefighter or rescue squad member or a person licensed to provide
31 emergency medical services pursuant to the Emergency Medical Services

1 Practice Act or authorized to provide emergency medical services pursuant
2 to the EMS Personnel Licensure Interstate Compact; and

3 (b) Identification document means a valid:

- 4 (i) Driver's or operator's license;
5 (ii) State identification card;
6 (iii) Military identification card;
7 (iv) Alien registration card; or
8 (v) Passport.

9 (5) A violation of this section is a Class III misdemeanor for a
10 first offense and a Class I misdemeanor for any second or subsequent
11 offense.

12 Sec. 12. Section 69-2440, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 69-2440 (1) This section applies to a person who is not otherwise
15 prohibited by state law from possessing or carrying a concealed handgun.

16 (1) A permitholder shall carry his or her permit to carry a
17 concealed handgun and his or her Nebraska driver's license, Nebraska-
18 issued state identification card, or military identification card any
19 time he or she carries a concealed handgun. The permitholder shall
20 display both the permit to carry a concealed handgun and his or her
21 Nebraska motor vehicle operator's license, Nebraska-issued state
22 identification card, or military identification card when asked to do so
23 by a peace officer or by emergency services personnel.

24 (2) Except as provided in subsection (4) of this section, whenever a
25 person (2) Whenever a permitholder who is carrying a concealed handgun is
26 contacted by a peace officer or by emergency services personnel, the
27 person permitholder shall immediately inform the peace officer or
28 emergency services personnel that the person permitholder is carrying a
29 concealed handgun.

30 (3)(a) Except as provided in subsection (4) of this section, during
31 (3)(a) During contact with a person carrying a concealed handgun a

1 permitholder, a peace officer or emergency services personnel may secure
2 the handgun or direct that it be secured during the duration of the
3 contact if the peace officer or emergency services personnel determines
4 that it is necessary for the safety of any person present, including the
5 peace officer or emergency services personnel. The person permitholder
6 shall submit to the order to secure the handgun.

7 (b)(i) When the peace officer has determined that the person
8 permitholder is not a threat to the safety of any person present,
9 including the peace officer, and the person permitholder has not
10 committed any other violation that would result in his or her arrest—or
11 ~~the suspension or revocation of his or her permit~~, the peace officer
12 shall return the handgun to the person permitholder before releasing the
13 person permitholder from the scene and breaking contact.

14 (ii) When emergency services personnel have determined that the
15 person permitholder is not a threat to the safety of any person present,
16 including emergency services personnel, and if the person permitholder is
17 physically and mentally capable of possessing the handgun, the emergency
18 services personnel shall return the handgun to the person permitholder
19 before releasing the person permitholder from the scene and breaking
20 contact. If the person permitholder is transported for treatment to
21 another location, the handgun shall be turned over to any peace officer.
22 The peace officer shall provide a receipt which includes the make, model,
23 caliber, and serial number of the handgun.

24 (4) A person is not required to comply with subsections (2) and (3)
25 of this section if:

26 (a) Such person is storing or transporting a handgun in a motor
27 vehicle for any lawful purpose or transporting a handgun directly to or
28 from a motor vehicle to or from any place where such handgun may be
29 lawfully possessed or carried by such person; and

30 (b) Such handgun is unloaded, kept separate from ammunition, and
31 enclosed in a case.

1 (5) (4) For purposes of this section:

2 (a) Contact, contact with a peace officer means any time a peace
3 officer personally stops, detains, questions, or addresses a person
4 permitholder for an official purpose or in the course of his or her
5 official duties, and contact with emergency services personnel means any
6 time emergency services personnel provide treatment to a person
7 permitholder in the course of their official duties; and -

8 (b) Emergency services personnel has the same meaning as in section
9 11 of this act.

10 (6) A violation of:

11 (a) Subsection (2) of this section is a Class III misdemeanor for a
12 first offense and a Class I misdemeanor for any second or subsequent
13 offense; and

14 (b) Subsection (3) of this section is a Class I misdemeanor.

15 Sec. 13. Section 28-1351, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 28-1351 (1) A person commits the offense of unlawful membership
18 recruitment into an organization or association when he or she knowingly
19 and intentionally coerces, intimidates, threatens, or inflicts bodily
20 harm upon another person in order to entice that other person to join or
21 prevent that other person from leaving any organization, group,
22 enterprise, or association whose members, individually or collectively,
23 engage in or have engaged in any of the following criminal acts for the
24 benefit of, at the direction of, or on behalf of the organization, group,
25 enterprise, or association or any of its members:

26 (a) Robbery under section 28-324;

27 (b) Arson in the first, second, or third degree under section
28 28-502, 28-503, or 28-504, respectively;

29 (c) Burglary under section 28-507;

30 (d) Murder in the first degree, murder in the second degree, or
31 manslaughter under section 28-303, 28-304, or 28-305, respectively;

1 (e) Violations of the Uniform Controlled Substances Act that involve
2 possession with intent to deliver, distribution, delivery, or manufacture
3 of a controlled substance;

4 (f) Unlawful use, possession, or discharge of a firearm or other
5 deadly weapon under sections 28-1201 to 28-1212.04 and sections 9, 10,
6 11, and 12 of this act;

7 (g) Assault in the first degree or assault in the second degree
8 under section 28-308 or 28-309, respectively;

9 (h) Assault on an officer, an emergency responder, a state
10 correctional employee, a Department of Health and Human Services
11 employee, or a health care professional in the first, second, or third
12 degree under section 28-929, 28-930, or 28-931, respectively, or assault
13 on an officer, an emergency responder, a state correctional employee, a
14 Department of Health and Human Services employee, or a health care
15 professional using a motor vehicle under section 28-931.01;

16 (i) Theft by unlawful taking or disposition under section 28-511;

17 (j) Theft by receiving stolen property under section 28-517;

18 (k) Theft by deception under section 28-512;

19 (l) Theft by extortion under section 28-513;

20 (m) Kidnapping under section 28-313;

21 (n) Any forgery offense under sections 28-602 to 28-605;

22 (o) Criminal impersonation under section 28-638;

23 (p) Tampering with a publicly exhibited contest under section
24 28-614;

25 (q) Unauthorized use of a financial transaction device or criminal
26 possession of a financial transaction device under section 28-620 or
27 28-621, respectively;

28 (r) Pandering under section 28-802;

29 (s) Bribery, bribery of a witness, or bribery of a juror under
30 section 28-917, 28-918, or 28-920, respectively;

31 (t) Tampering with a witness or an informant or jury tampering under

1 section 28-919;

2 (u) Unauthorized application of graffiti under section 28-524;

3 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal

4 against another under section 28-1005; or

5 (w) Promoting gambling in the first degree under section 28-1102.

6 (2) Unlawful membership recruitment into an organization or

7 association is a Class IV felony.

8 Sec. 14. Section 69-2429, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 69-2429 For purposes of the Concealed Handgun Permit Act:

11 (1) Concealed handgun means the handgun is totally hidden entirely
12 obscured from view. If any part of the handgun is capable of being seen
13 or observed by another person, it is not a concealed handgun;

14 (2) Emergency services personnel means a volunteer or paid
15 firefighter or rescue squad member or a person licensed to provide
16 emergency medical services pursuant to the Emergency Medical Services
17 Practice Act or authorized to provide emergency medical services pursuant
18 to the EMS Personnel Licensure Interstate Compact;

19 (2) (3) Handgun means any firearm with a barrel less than sixteen
20 inches in length or any firearm designed to be held and fired by the use
21 of a single hand;

22 (3) (4) Peace officer means any town marshal, chief of police or
23 local police officer, sheriff or deputy sheriff, the Superintendent of
24 Law Enforcement and Public Safety, any officer of the Nebraska State
25 Patrol, any member of the National Guard on active service by direction
26 of the Governor during periods of emergency or civil disorder, any Game
27 and Parks Commission conservation officer, and all other persons with
28 similar authority to make arrests;

29 (4) (5) Permitholder means an individual holding a current and valid
30 permit to carry a concealed handgun issued pursuant to the Concealed
31 Handgun Permit Act; and

1 (5) (6) Proof of training means an original document or certified
2 copy of a document, supplied by an applicant, that certifies that he or
3 she either:

4 (a) Within the previous three years, has successfully completed a
5 handgun training and safety course approved by the Nebraska State Patrol
6 pursuant to section 69-2432; or

7 (b) Is a member of the active or reserve armed forces of the United
8 States or a member of the National Guard and has had handgun training
9 within the previous three years which meets the minimum safety and
10 training requirements of section 69-2432.

11 Sec. 15. Section 69-2435, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 69-2435 A permitholder shall continue to meet the requirements of
14 section 69-2433 during the time he or she holds the permit, except as
15 provided in subsection (2) (4) of section 69-2443. If, during such time,
16 a permitholder does not continue to meet one or more of the requirements,
17 the permitholder shall return his or her permit to the Nebraska State
18 Patrol for revocation. If a permitholder does not return his or her
19 permit, the permitholder is subject to having his or her permit revoked
20 under section 69-2439.

21 Sec. 16. Section 69-2436, Revised Statutes Supplement, 2021, is
22 amended to read:

23 69-2436 (1) A permit to carry a concealed handgun is valid
24 throughout the state for a period of five years after the date of
25 issuance. The fee for issuing a permit is one hundred dollars.

26 (2) The Nebraska State Patrol shall renew a permitholder's permit to
27 carry a concealed handgun for a renewal period of five years, subject to
28 continuing compliance with the requirements of section 69-2433, except as
29 provided in subsection (2) (4) of section 69-2443. The renewal fee is
30 fifty dollars, and renewal may be applied for no earlier than four months
31 before expiration of the permit and no later than thirty business days

1 after the date of expiration of the permit. At least four months before
2 expiration of a permit to carry a concealed handgun, the Nebraska State
3 Patrol shall send to the permitholder by United States mail or
4 electronically notice of expiration of the permit.

5 (3) The applicant shall submit the fee with the application to the
6 Nebraska State Patrol. The fee shall be remitted to the State Treasurer
7 for credit to the Nebraska State Patrol Cash Fund.

8 Sec. 17. Section 69-2439, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 69-2439 (1) Any peace officer having probable cause to believe that
11 a permitholder is no longer in compliance with one or more requirements
12 of section 69-2433, except as provided in subsection (2) ~~(4)~~ of section
13 69-2443, shall bring an application for revocation of the permit to be
14 prosecuted as provided in subsection (2) of this section.

15 (2) It is the duty of the county attorney or his or her deputy of
16 the county in which such permitholder resides to prosecute a case for the
17 revocation of a permit to carry a concealed handgun brought pursuant to
18 subsection (1) of this section. In case the county attorney refuses or is
19 unable to prosecute the case, the duty to prosecute shall be upon the
20 Attorney General or his or her assistant.

21 (3) The case shall be prosecuted as a civil case, and the permit
22 shall be revoked upon a showing by a preponderance of the evidence that
23 the permitholder does not meet one or more of the requirements of section
24 69-2433, except as provided in subsection (2) ~~(4)~~ of section 69-2443.

25 (4) A person who has his or her permit revoked under this section
26 may be fined up to one thousand dollars and shall be charged with the
27 costs of the prosecution. The money collected under this subsection as an
28 administrative fine shall be remitted to the State Treasurer for
29 distribution in accordance with Article VII, section 5, of the
30 Constitution of Nebraska.

31 Sec. 18. Section 69-2442, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 69-2442 (1) Any time the discharge of a handgun carried by a
3 permitholder pursuant to the Concealed Handgun Permit Act results in
4 injury to a person or damage to property, the permitholder shall make a
5 report of such incident to the Nebraska State Patrol on a form designed
6 and distributed by the Nebraska State Patrol. The information from the
7 report shall be maintained as provided in section 69-2444.

8 (2) A violation of this section is a Class III misdemeanor for a
9 first offense and a Class I misdemeanor for any second or subsequent
10 offense.

11 Sec. 19. Section 69-2443, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 69-2443 ~~(1) A permitholder who violates subsection (1) or (2) of~~
~~section 69-2440 or section 69-2441 or 69-2442 is guilty of a Class III~~
~~misdemeanor for the first violation and a Class I misdemeanor for any~~
~~second or subsequent violation.~~

17 ~~(2) A permitholder who violates subsection (3) of section 69-2440 is~~
18 ~~guilty of a Class I misdemeanor.~~

19 (1) (3) A permitholder convicted of a violation of section 11 or 12
20 of this act or section 69-2440 or 69-2442 may also have his or her permit
21 revoked.

22 (2) (4) A permitholder convicted of a violation of section 9 or 10
23 of this act 69-2441 that occurred on property owned by the state or any
24 political subdivision of the state may also have his or her permit
25 revoked. A permitholder convicted of a violation of section 9 or 10 of
26 this act 69-2441 that did not occur on property owned by the state or any
27 political subdivision of the state shall not have his or her permit
28 revoked for a first offense but may have his or her permit revoked for
29 any second or subsequent offense.

30 Sec. 20. Section 69-2445, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 69-2445 Nothing in the Concealed Handgun Permit Act prevents a
2 person not otherwise prohibited from possessing or carrying a concealed
3 handgun by state law from carrying a concealed weapon without a permit as
4 permitted under section 28-1202.

5 Sec. 21. Original sections 18-1703, 69-2429, 69-2435, 69-2439,
6 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised Statutes
7 of Nebraska, sections 14-102, 15-255, 16-227, 17-556, 28-101, 28-1201,
8 and 28-1351, Revised Statutes Cumulative Supplement, 2020, and sections
9 28-1202 and 69-2436, Revised Statutes Supplement, 2021, are repealed.