

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 923

Introduced by McKinney, 11; Brewer, 43.

Read first time January 04, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to tribal enrollment cards; to amend sections
2 53-167.02, 53-180.06, 69-2404, and 69-2430, Reissue Revised Statutes
3 of Nebraska, and section 28-1202.03, Revised Statutes Supplement,
4 2023; to define a term; to allow the use of tribal enrollment cards
5 for proof of age and identity for certain firearm and alcohol laws;
6 to eliminate an obsolete provision; to harmonize provisions; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1202.03, Revised Statutes Supplement, 2023, is
2 amended to read:

3 28-1202.03 (1)(a) This section applies to a person who is not
4 otherwise prohibited by state law from possessing or carrying a concealed
5 handgun.

6 (b) This section does not apply to a qualified law enforcement
7 officer or qualified retired law enforcement officer carrying a concealed
8 handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such
9 sections existed on January 1, 2023.

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

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

16 (a) Such person is storing or transporting a handgun in a motor
17 vehicle for any lawful purpose or transporting a handgun directly to or
18 from a motor vehicle to or from any place where such handgun may be
19 lawfully possessed or carried by such person; ~~and~~

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

22 (4) For purposes of this section:

23 (a) Emergency services personnel means a volunteer or paid
24 firefighter or rescue squad member or a person licensed to provide
25 emergency medical services pursuant to the Emergency Medical Services
26 Practice Act or authorized to provide emergency medical services pursuant
27 to the EMS Personnel Licensure Interstate Compact; and

28 (b) Identification document means a valid:

29 (i) Driver's or operator's license;

30 (ii) State identification card;

31 (iii) Military identification card;

1 (iv) Alien registration card;~~or~~

2 (v) Passport; or -

3 (vi) Tribal enrollment card; and

4 (c) Tribal enrollment card means an identification document:

5 (i) Issued by a tribe which is recognized by a state or the federal
6 government; and

7 (b) Which contains a photograph of the person identified and such
8 person's date of birth.

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. 2. Section 53-167.02, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 53-167.02 (1) When any person licensed to sell alcoholic liquor at
15 retail sells alcohol for consumption off the premises in a container with
16 a liquid capacity of five or more gallons or eighteen and ninety-two
17 hundredths or more liters, the seller shall record the date of the sale,
18 the keg identification number, the purchaser's name and address, and the
19 number of the purchaser's motor vehicle operator's license, state
20 identification card, tribal enrollment card as defined in section
21 28-1202.03, or military identification, if such military identification
22 contains a picture of the purchaser, together with the purchaser's
23 signature. Such record shall be on a form prescribed by the commission
24 and shall be kept by the licensee at the retail establishment where the
25 purchase was made for not less than six months.

26 (2) The commission shall adopt and promulgate rules and regulations
27 which require the licensee to place a label on the alcohol container,
28 which label shall at least contain a keg identification number and shall
29 be on a form prescribed by the commission. Such label shall be placed on
30 the keg at the time of retail sale. The licensee shall purchase the forms
31 referred to in this section from the commission. The cost incurred to

1 produce and distribute such forms shall be reasonable and shall not
2 exceed the reasonable and necessary costs of producing and distributing
3 the forms. Any money collected by the commission relating to the sale of
4 such forms shall be credited to the Nebraska Liquor Control Commission
5 Rule and Regulation Cash Fund.

6 (3) The keg identification number for each container shall be
7 registered with the commission. The records kept pursuant to this section
8 shall be available for inspection by any law enforcement officer during
9 normal business hours or at any other reasonable time. Any person
10 violating this section shall, upon conviction, be guilty of a Class III
11 misdemeanor.

12 Sec. 3. Section 53-180.06, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 53-180.06 (1) To establish proof of age for the purpose of
15 purchasing or consuming alcoholic liquor, a person shall present or
16 display only a valid driver's or operator's license, state identification
17 card, military identification card, alien registration card, ~~or~~ passport,
18 or tribal enrollment card as defined in section 28-1202.03.

19 (2) Every holder of a retail license may maintain, in a separate
20 book, a record of each person who has furnished documentary proof of age
21 for the purpose of making any purchase of alcoholic liquor. The record
22 shall show the name and address of the purchaser, the date of the
23 purchase, and a description of the identification used and shall be
24 signed by the purchaser.

25 Sec. 4. Section 69-2404, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 69-2404 Any person desiring to purchase, lease, rent, or receive
28 transfer of a handgun shall apply with the chief of police or sheriff of
29 the applicant's place of residence for a certificate. The application may
30 be made in person or by mail. The application form and certificate shall
31 be made on forms approved by the Superintendent of Law Enforcement and

1 Public Safety. The application shall include the applicant's full name,
2 address, date of birth, and country of citizenship. If the applicant is
3 not a United States citizen, the application shall include the
4 applicant's place of birth and his or her alien or admission number. If
5 the application is made in person, the applicant shall also present a
6 current Nebraska motor vehicle operator's license, state identification
7 card, or military identification card, or tribal enrollment card as
8 defined in section 28-1202.03. If ~~or~~ if the application is made by mail,
9 the application form shall describe the license or card used for
10 identification and be notarized by a notary public who has verified the
11 identification of the applicant through such a license or card. An
12 applicant shall receive a certificate if he or she is twenty-one years of
13 age or older and is not prohibited from purchasing or possessing a
14 handgun by 18 U.S.C. 922. A fee of five dollars shall be charged for each
15 application for a certificate to cover the cost of a criminal history
16 record check.

17 Sec. 5. Section 69-2430, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 69-2430 (1) Application for a permit to carry a concealed handgun
20 shall be made in person at any Nebraska State Patrol Troop Headquarters
21 or office provided by the patrol for purposes of accepting such an
22 application. The applicant shall present a current Nebraska motor vehicle
23 operator's license, Nebraska-issued state identification card, ~~or~~
24 military identification card, or tribal enrollment card as defined in
25 section 28-1202.03 and shall submit two legible sets of fingerprints for
26 a criminal history record information check pursuant to section 69-2431.
27 The application shall be made on a form prescribed by the Superintendent
28 of Law Enforcement and Public Safety. The application shall state the
29 applicant's full name; ~~τ~~ motor vehicle operator's license number, ~~τ~~ ~~or~~
30 state identification card number, or tribal enrollment card number;
31 address; ~~τ~~ and date of birth and contain the applicant's signature and

1 shall include space for the applicant to affirm that he or she meets each
2 and every one of the requirements set forth in section 69-2433. The
3 applicant shall attach to the application proof of training and proof of
4 vision as required in subdivision (3) of section 69-2433.

5 (2) A person applying for a permit to carry a concealed handgun who
6 gives false information or offers false evidence of his or her identity
7 is guilty of a Class IV felony.

8 ~~(3)(a) Until January 1, 2010, the permit to carry a concealed~~
9 ~~handgun shall be issued by the Nebraska State Patrol within five business~~
10 ~~days after completion of the applicant's criminal history record~~
11 ~~information check, if the applicant has complied with this section and~~
12 ~~has met all the requirements of section 69-2433.~~

13 ~~(3) The (b) Beginning January 1, 2010, the permit to carry a~~
14 ~~concealed handgun shall be issued by the Nebraska State Patrol within~~
15 ~~forty-five days after the date an application for the permit has been~~
16 ~~made by the applicant if the applicant has complied with this section and~~
17 ~~has met all the requirements of section 69-2433.~~

18 (4) An applicant denied a permit to carry a concealed handgun may
19 appeal to the district court of the judicial district of the county in
20 which he or she resides or the county in which he or she applied for the
21 permit pursuant to the Administrative Procedure Act.

22 Sec. 6. Original sections 53-167.02, 53-180.06, 69-2404, and
23 69-2430, Reissue Revised Statutes of Nebraska, and section 28-1202.03,
24 Revised Statutes Supplement, 2023, are repealed.