

local law enforcement agency that does the background check must give their reasons for denial, specifically stated, and those reasons for denial must be specifically the reasons set forth in the federal law. And those reasons are basically that they are a convicted felon, an illegal alien, judged as a mental incompetent, or convicted of a drug related crime. Those are the federal reasons for denial, and those are specifically stated in the act. Other concerns were, what if we are denied? What if our local law enforcement official doesn't like us, and denies the certificate? And the answer to that is we provided a very expedited appeal process in LB 355 to make certain that an individual's right are not violated by this act, that they have an easy access to the court system, with the payment of a much less fee than is normally required for filing a case in the courts. The positive...very positive part of this legislation, with the Schellpeper amendment, and I'm sure Senator Schellpeper will talk about this, is the need in Nebraska to update our criminal records. One of the reasons why local law enforcement is required to do the check, at least in the beginning years of this bill, is because the state records, and I think we all know that, and Senator Schellpeper certainly has very honestly and forthrightly admitted that the police records are not up-to-date on the state level to do adequate background checks. In fact the records on the state level are approximately 45 to 55 percent complete at this time. So we put in the bill the requirement that local law enforcement do the check. The reason for that is that until the state records are more adequately up to date, the local law enforcement officials certainly are the correct party to do and the party most adequately equipped to do the background checks. But what this bill does also is it encourages the state.

SENATOR CONWAY: One minute.

SENATOR ASHFORD: One minute? It encourages the State of Nebraska...I will go over the bill in detail on my own time later, but basically what it does, in sort of a...kind of a result of this bill that the Schellpeper amendment brings to it, is it encourages our state to bring our records up to date. You've heard a lot about the Virginia instant check system. In Virginia 100 percent of the records are automated. The records of arrest, and the records of conviction are 100 percent automated. In Nebraska we're about 45 to 55 percent automated. So we have, in this bill I think, by bringing in the Schellpeper concept, we are encouraging and we are enhancing law