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LB 265

SPEAKER BROMM: One minute.

SENATOR SMITH: ...the people of the state of Nebraska have asked for this for several years now and I hope that we can say yes. Thank you.

SPEAKER BROMM: Thank you, Senator Smith. Senator Tyson.

SENATOR TYSON: Thank you, Mr. Speaker. A couple of comments now that we've got the Wild West question settled. It has been mentioned by one of the speakers, Senator Kruse, that there will be more guns on the streets of North 24th. Someone else, I forget who it was, said there would be more guns. This is not a clever ploy to sell guns. The guns are there now. They are being carried now, and you will have no more knowledge of who is carrying a gun when this bill passes as you do right now. How do I know that they are being carried now? Well, people have told me they are carrying them. I've known people for 35, 40 years who have carried a gun every day. Are they criminals? No, they are not. They have what they believe to be good reason, and the current law, 28-1202, just relapsed, read it. It allows an affirmative defense, so anybody can be carrying a gun right now. What happens if they're picked up with a gun? Then a decision is made, is their reason valid? I have been told by two different prosecutors that they will not bring a charge under 28-1202 because it's unconstitutionally vague. What does an ordinary reasonable man do? And, incidentally, where did that come from? Where did that affirmative defense come from? It's not in the territorial statutes, 1856 to 1859. No, they waited until 1875. Now I would like Senator Chambers to pay close attention. Why did they put it in there in 1875? For the same reason that laws were passed throughout a good portion of the country but primarily in the south, and they are called the black laws, and they had for their purpose to reverse the laws passed during the reconstruction era to return political power to the whites. Several of them stated as a purpose of the law that no Negro shall be armed. They had an exception, if he had a Union Army uniform on. And those laws were passed throughout the south. The reason they were passed throughout the south was to disarm the black people. Now the