

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 1, 2003 LB 265

or a similar law of another jurisdiction," another vague statement in the law, "or is not currently adjudged mentally incompetent." And this is a concern to the sheriff's office. This is what they tell me. Currently, law enforcement cannot get access to information on persons committed to mental health facilities. A lot of this is due to existing HIPAA laws, and HIPAA is...I'd have to ask Senator Jensen, I always forget what that acronym is, but that's the federal governing law for health issues, particularly in institutions. And so what they said is that they'll have to end up on an honor system, asking people to disclose this information, and they don't believe that will work. They also have concerns about denying a permit and having it appealed to district court. There is immunity in this law for the sheriff for issuing a permit to someone who causes an injury to another person or kills another person from that person's family, or others who might want to come back on the sheriff for issuing the permit. So, depending on how you look at that, that's a good thing or not a good thing if you're a victim, and maybe if you're the sheriff and you have to run for election it's a little difficult too. But let me talk about the firefighters and the EMS personnel, which is another section of this bill for which there isn't immunity granted. And what I'm hearing about that is that emergency service personnel and fire personnel are put at undue risk and it requires them, first, to determine if the person has a concealed...is a concealed weapon carrier permitted, which is more...I mean when they're dealing in this situation they have to figure out what they're going to do with the gun and what they do with the person, and whether to give the gun back to the person. They have to determine if the weapon needs to be secure or, if the person...weapon poses a threat to themselves or others, they have to secure the weapon. They have to maintain control of the weapon during treatment and transport if law enforcement is not available. They have to, and this is a very difficult one,...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...they have to determine if the person is mentally...let me read the exact words. They have to determine, this is an EMS fire personnel, if the permit holder is physically and mentally capable of possessing the handgun. Now