

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

January 11, 2006    LB 454

permits, and those individuals that comply with state law today will not be subject to arrest, will not be subject to the experience of having to go to court and defend themselves and tell the judge or convince a prosecutor. Why are we locking up law-abiding citizens under 28-1202 and forcing them to prove it in court that they had the reason to do it? Now I've been told by other colleagues here in the Legislature that there are county attorneys that understand that there are individuals that need to carry a concealed weapon and they would not prosecute those individuals. That doesn't matter. It's the police officer at the time of the arrest that makes the decision to place an individual in custody and await a bond hearing, or until at which time they bond out of jail. So for that reason, I think we really need to look at what the law says today, and that this bill is a logical extension of making sound policy and treating individuals fairly. Senator Schimek raised the issue of state preemption, of cities of the metropolitan class passing stricter ordinances with regard to who may or may not carry a concealed weapon. After discussing this with one of the Judiciary Committee counsel members, it is our opinion that this bill would effectively preempt cities like Omaha and Lincoln from passing ordinances. Certainly, there's issues like home rule. We see this now with the sex offender issue, where cities are passing residency restrictions that haven't actually been...there's no enabling legislation on the state level for that. I'm not saying there wouldn't be a court fight, and a court would determine what was or was not appropriate, but this bill not only says where you can carry concealed weapons, it also says the places you can't carry concealed weapons. And I think the bill speaks to the issue of whether or not Omaha or Lincoln can pass a concealed weapons law that goes above or beyond what we have here, by effectively saying...and laying out a system or groundwork...

PRESIDENT SHEEHY: One minute.

SENATOR FLOOD: ...of what we find acceptable. So maybe we need to make some modifications in the bill, if it's the intent of the Legislature to pass that. That could be done on Select File. I think it's a very valid issue Senator Schimek raised. It's something we have to look through the entire bill and make