

Nebraska Revised Statutes

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Chapter 28 Crimes and Punishments
Article 12 Offenses against Public Health and Safety

§ 28-1201. Terms, defined. For purposes of §§ 28-1201 to 28-1212.04, unless the context otherwise requires:

(1) Firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Handgun means any firearm with a barrel less than 16 inches in length or any firearm designed to be held and fired by the use of a single hand;

(4) Juvenile means any person under the age of 18 years;

(7) Machine gun means any firearm, whatever its size and usual designation, that shoots automatically more than 1 shot, without manual reloading, by a single function of the trigger;

(8) School means a public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in § 85-1603, a community college, a public or private college, a junior college, or a university;

(9) Short rifle means a rifle having a barrel less than 16 inches long or an overall length of less than 26 inches; and

(10) Short shotgun means a shotgun having a barrel or barrels less than 18 inches long or an overall length of less than 26 inches.

§ 28-1202. Carrying concealed weapon; penalty; affirmative defense.

(1)(a) Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person, such as a handgun, a knife, brass or iron knuckles, or any other deadly weapon, commits the offense of carrying a concealed weapon.

(b) It is an affirmative defense that the defendant was engaged in any lawful business, calling, or employment at the time he or she was carrying any weapon or weapons and the circumstances in which such person was placed at the time

were such as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person, property, or family.

(2) This section does not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon the defendant is carrying is a handgun.

(3) Carrying a concealed weapon is a Class I misdemeanor.

(4) In the case of a second or subsequent conviction under this section, carrying a concealed weapon is a Class IV felony.

§ 28-1203. Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception.

(1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.

(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or members of the National Guard of this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

§ 28-1204. Unlawful possession of a handgun; exceptions; penalty.

(1) Any person under the age of 18 years who possesses a handgun commits the offense of unlawful possession of a handgun.

(2) This section does not apply to the issuance of handguns to members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of handguns for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Unlawful possession of a handgun is a Class I misdemeanor.

§ 28-1204.01. Unlawful transfer of a firearm to a juvenile; exceptions; penalty; county attorney; duty.

(1) Any person who knowingly and intentionally does or attempts to sell, provide, loan, deliver, or in any other way transfer the possession of a firearm to a juvenile commits the offense of unlawful transfer of a firearm to a juvenile. The county attorney shall have a copy of the petition served upon the owner of the firearm, if known, in person or by registered or certified mail at his or her last-known address.

(2) This section does not apply to the transfer of a firearm, other than a handgun, to a juvenile:

(a) From a person related to such juvenile within the second degree of consanguinity or affinity if the transfer of physical possession of such firearm does not occur until such time as express permission has been obtained from the juvenile's parent or guardian;

(b) For a legitimate and lawful sporting purpose; or

(c) Who is under direct adult supervision in an appropriate educational program.

(3) This section applies to the transfer of a handgun except as specifically provided in subsection (2) of § 28-1204.

(4) Unlawful transfer of a firearm to a juvenile is a Class III felony.

§ 28-1204.02. Confiscation of firearm; disposition. Any firearm in the possession of a person in violation of § 28-1204 or 28-1204.01 shall be confiscated by a peace officer or other authorized law enforcement officer. Such firearm shall be held by the agency employing such officer until it no longer is required as evidence.

§ 28-1204.04. Unlawful possession of a firearm at a school; penalty; exceptions; confiscation of certain firearms; disposition.

(1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) the possession of firearms by peace officers or other duly authorized law enforcement officers when contracted by a school to provide school security or school event control services, (c) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, (d) firearms which may lawfully be possessed by a member of a college or university rifle team, within the scope of such person's duties as a member of the team, (e) firearms which may lawfully be possessed by a person employed by a college or university in this state as part of an agriculture or a natural resources program of such college or university, within the scope of such person's employment, (f) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle, (g) firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard, or (h) a handgun carried as a concealed handgun by a valid holder of a permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law. For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace

officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or § 28-1204.02, the peace officer who received such firearm shall cause to be filed within 10 days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a handgun in violation of § 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm at a school. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds shall be remitted to the State Treasurer for distribution in accordance with Article VII, § 5, of the Constitution of Nebraska.

§ 28-1205. Use of a deadly weapon to commit a felony; possession of a deadly weapon during the commission of a felony; penalty; separate and distinct offense; proof of possession.

(1)(a) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state commits the offense of use of a deadly weapon to commit a felony.

(c) Use of a deadly weapon, which is a firearm, to commit a felony is a Class IC felony.

(2)(a) Any person who possesses a firearm, a knife, brass or iron knuckles, or a destructive device during the commission of any felony which may be prosecuted in a court of this state commits the offense of possession of a deadly weapon during the commission of a felony.

(b) Possession of a deadly weapon, other than a firearm, during the commission of a felony is a Class III felony.

(c) Possession of a deadly weapon, which is a firearm, during the commission of a felony is a Class II felony.

(3) The crimes defined in this section shall be treated as separate and distinct offenses from the felony being committed, and sentences imposed under this section shall be consecutive to any other sentence imposed.

(4) Possession of a deadly weapon may be proved through evidence demonstrating either actual or constructive possession of a firearm, a knife, brass or iron knuckles, or a destructive device during, immediately prior to, or immediately after the commission of a felony.

(5) For purposes of this section:

(a) Destructive device has the same meaning as in § 28-1213; and

(b) Use of a deadly weapon includes the discharge, employment, or visible display of any part of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony or communication to another indicating the presence of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony, regardless of whether such firearm, knife, brass or iron knuckles, deadly weapon, or destructive device was discharged, actively employed, or displayed.

§ 28-1206. Possession of a deadly weapon by a prohibited person; penalty.

(1)(a) Any person who possesses a firearm, a knife, or brass or iron knuckles and who has previously been convicted of a felony, who is a fugitive from justice, or who is the subject of a current and validly issued domestic violence protection order and is knowingly violating such order, or (b) any person who possesses a firearm or brass or iron knuckles and who has been convicted within the past 7 years of a misdemeanor crime of domestic violence, commits the offense of possession of a deadly weapon by a prohibited person.

(2) The felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3) (a) Possession of a deadly weapon which is not a firearm by a prohibited person is a Class III felony.

(b) Possession of a deadly weapon which is a firearm by a prohibited person is a Class ID felony for a first offense and a Class IB felony for a second or subsequent offense.

(4) (a) (i) For purposes of this section, misdemeanor crime of domestic violence means:

(A) (I) A crime that is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;

(II) A crime that has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and

(III) A crime that is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in § 28-323; or

(B) (I) Assault in the third degree under § 28-310, stalking under subsection (1) of § 28-311.04, false imprisonment in the second degree under § 28-315, or first offense domestic assault in the third degree under subsection (1) of § 28-323 or any attempt or conspiracy to commit one of these offenses; and

(II) The crime is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in § 28-323.

(ii) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence unless:

(A) The person was represented by counsel in the case or knowingly and intelligently waived the right to counsel in the case; and

(B) In the case of a prosecution for a misdemeanor crime of domestic violence for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:

(I) The case was tried to a jury; or

(II) The person knowingly and intelligently waived the right to have the case tried to a jury.

(b) For purposes of this section, subject of a current and validly issued domestic violence protection order pertains to a current court order that was validly issued pursuant to § 28-311.09 or 42-924 or that meets or exceeds the criteria set forth in § 28-311.10 regarding protection orders issued by a court in any other state or a territory, possession, or tribe.

§ 28-1207. Possession of a defaced firearm; penalty.

(1) Any person who knowingly possesses, receives, sells, or leases, other than by delivery to law enforcement officials, any firearm from which the manufacturer's identification mark or serial number has been removed, defaced, altered, or destroyed, commits the offense of possession of a defaced firearm.

(2) Possession of a defaced firearm is a Class III felony.

§ 28-1208. Defacing a firearm; penalty.

(1) Any person who intentionally removes, defaces, covers, alters, or destroys the manufacturer's identification mark or serial number or other distinguishing numbers on any firearm commits the offense of defacing a firearm.

(2) Defacing a firearm is a Class III felony.

§ 28-1209. Failure to register tranquilizer guns; penalty.

(1) Any person who fails or neglects to register any gun or other device designed, adapted or used for projecting darts or other missiles containing tranquilizers or other chemicals or compounds which will produce unconsciousness or temporary disability in live animals, with the county sheriff of the county in which the owner of the gun or device resides, commits the offense of failure to register tranquilizer guns.

(2) Failure to register tranquilizer guns is a Class III misdemeanor.

§ 28-1212. Presence of firearm in motor vehicle; prima facie evidence. The presence in a motor vehicle other than a public vehicle of any firearm or instrument referred to in § 28-1203, 28-1206, 28-1207, or 28-1212.03 shall be prima facie evidence that it is in the possession of and is carried by all persons occupying such motor vehicle at the time such firearm or instrument is found, except that this section shall not be applicable if such firearm or instrument is found upon the person of one of the occupants therein.

§ 28-1212.01. Unlawful discharge of firearm; terms, defined. For purposes of §§ 28-1212.02 and 28-1212.04:

(1) Aircraft means any contrivance intended for and capable of transporting persons through the airspace;

(2) Inhabited means currently being used for dwelling purposes; and

(3) Occupied means that a person is physically present in a building, motor vehicle, or aircraft.

§ 28-1212.02. Unlawful discharge of firearm; penalty. Any person who unlawfully and intentionally discharges a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited motor home as defined in § 71-4603, or inhabited camper unit as defined in § 60-1801 shall be guilty of a Class ID felony.

§ 28-1212.03. Stolen firearm; prohibited acts; violation; penalty. Any person who possesses, receives, retains, or disposes of a stolen firearm knowing that it has been or believing that it has been stolen shall be guilty of a Class IIA felony unless the firearm is possessed, received, retained, or disposed of with intent to restore it to the owner.

§ 28-1212.04. Discharge of firearm in certain cities and counties; prohibited acts; penalty. Any person, within the territorial boundaries of any city of the first class or county containing a city of the metropolitan class or primary class, who unlawfully, knowingly, and intentionally or recklessly discharges a firearm, while in any motor vehicle or in the proximity of any motor vehicle that such person has just exited, at or in the general direction of any person, dwelling, building, structure, occupied motor vehicle, occupied aircraft, inhabited motor home as defined in § 71-4603, or inhabited camper unit as defined in § 60-1801, is guilty of a Class IC felony.

§ 28-1219. Obtaining a permit through false representation; penalty.

(1) Any person who knowingly withholds information or makes any false, fictitious, or misrepresented statement or furnishes or exhibits any false, fictitious, or misrepresented identification for the purpose of obtaining a permit or relief from disability under the provisions of §§ 28-1213 to 28-1239 or knowingly makes any false entry in a record which such person is required to keep pursuant to such sections or the regulations promulgated pursuant to such sections, commits the offense of obtaining a permit through false representations.

(2) Obtaining a permit through false representations is a Class IV felony.

§ 28-1220. Possession of a destructive device; penalty; permit or license for explosive materials; no defense.

(1) Any person who has in his possession a destructive device, as defined in subdivision (7) of § 28-1213, commits the offense of possession of a destructive device.

(2) A permit or license issued under any state or federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this section.

(3) Possession of a destructive device is a Class IV felony.

Article 13 Miscellaneous Offenses

§ 28-1335. Discharging any firearm or weapon from any public highway, road, or bridge; penalty; exception. A person commits a Class III misdemeanor if such person discharges any firearm or weapon using any form of compressed gas as a propellant from any public highway, road, or bridge in this state, unless otherwise allowed by statute. Upon conviction, the mandatory minimum fine shall be \$100.

Article 14 Noncode Provisions

(p) Civil Disorders Involving Explosives or Firearms

§ 28-1480. Terms, defined. As used in §§ 28-1480 to 28-1482, unless the context otherwise requires:

(1) Civil disorder shall mean any public disturbance involving acts of violence which causes an immediate danger of or results in damage or injury to persons or property;

(2) Explosive or incendiary device shall mean (a) dynamite and all other forms of high explosives, (b) any explosive bomb, grenade, missile, or similar device, and (c) any incendiary bomb or grenade, firebomb, or similar device, ...; and

(3) Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

§ 28-1481. Acts prohibited. It shall be unlawful within the boundaries of this state:

(1) For any person to teach or demonstrate to any other person the use, application, or making of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person knows or has reason to know or intends that such information or ability will be unlawfully employed for use in or in furtherance of a civil disorder; or

(2) For any person to assemble with 1 or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person intends to unlawfully employ such training, practice, or instruction for use in or in furtherance of a civil disorder.

§ 28-1482. Violation; penalty. Any person violating § 28-1481 shall be guilty of a Class IV felony.

Chapter 69 Personal Property

Article 24 Guns

(a) Handguns

§ 69-2402. Terms, defined. For purposes of §§ 69-2401 to 69-2425:

(1) Antique handgun or pistol means any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica

(a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;

(2) Criminal history record check includes a check of the criminal history records of the Nebraska State Patrol and a check of the Federal Bureau of Investigation's National Instant Criminal Background Check System;

(3) Firearm-related disability means a person is not permitted to (a) purchase, possess, ship, transport, or receive a firearm under either state or federal law, (b) obtain a certificate to purchase, lease, rent, or receive transfer of a handgun under § 69-2404, or (c) obtain a permit to carry a concealed handgun under the Concealed Handgun Permit Act; and

(4) Handgun means any firearm with a barrel less than 16 inches in length or any firearm designed to be held and fired by the use of a single hand.

§ 69-2403. Sale, lease, rental, and transfer; certificate required; exceptions.

(1) Except as provided in this section and § 69-2409, a person shall not purchase, lease, rent, or receive transfer of a handgun until he or she has obtained a certificate in accordance with § 69-2404. Except as provided in this section and

69-2409, a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate.

(2) The certificate shall not be required if:

- (a)** The person acquiring the handgun is a licensed firearms dealer under federal law;
- (b)** The handgun is an antique handgun;
- (c)** The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency;
- (d)** The transfer is a temporary transfer of a handgun and the transferee remains **(i)** in the line of sight of the transferor or **(ii)** within the premises of an established shooting facility;
- (e)** The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent;
- (f)** The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act; or
- (g)** The person acquiring the handgun is a peace officer as defined in § 69-2429.

§ 69-2404. Certificate; application; fee. Any person desiring to purchase, lease, rent, or receive transfer of a handgun shall apply with the chief of police or sheriff of the applicant's place of residence for a certificate. The application may be made in person or by mail. The application form and certificate shall be made on forms approved by the Superintendent of Law Enforcement and Public Safety. The application shall include the applicant's full name, address, date of birth, and country of citizenship. If the applicant is not a United States citizen, the application shall include the applicant's place of birth and his or her alien or admission number. If the application is made in person, the applicant shall also present a current Nebraska motor vehicle operator's license, state identification card, or military identification card, or if the application is made by mail, the application form shall describe the license or card used for identification and be notarized by a notary public who has verified the identification of the applicant through such a license or card. An applicant shall receive a certificate if he or she is 21 years of age or older and is not prohibited from purchasing or possessing a handgun by 18 U.S.C. 922. A fee of \$5 shall be charged for each application for a certificate to cover the cost of a criminal history record check.

§ 69-2405. Application; chief of police or sheriff; duties; immunity. Upon the receipt of an application for a certificate, the chief of police or sheriff shall issue a certificate or deny a certificate and furnish the applicant the specific reasons for the denial in writing. The chief of police or sheriff shall be permitted up to 3 days in which to conduct an investigation to determine whether the applicant is prohibited by law from purchasing or possessing a handgun. If the certificate or denial is mailed to the applicant, it shall be mailed to the applicant's address by first-class mail within the 3-day period. If it is determined that the purchase or possession of a handgun by the applicant would be in violation of applicable federal, state, or local law, the chief of police or sheriff shall deny the certificate. In computing the 3-day period, the day of receipt of the application shall not be included and the last day of the 3-day period shall be included. The 3-day period shall expire at 11:59 p.m. of the third day unless it is a Saturday, Sunday, or legal holiday in which event the period shall run until 11:59 p.m. of the next day which is not a Saturday, Sunday, or legal holiday. No later than the end of the 3-day period the chief of police or sheriff shall issue or deny such certificate and, if the certificate is denied, furnish the applicant the specific reasons for denial in writing. No civil liability shall arise to any law enforcement agency if such law enforcement agency complies with §§ 69-2401, 69-2403 to 69-2408, and 69-2409.01.

§ 69-2406. Certificate; denial or revocation; appeal; filing fee. Any person who is denied a certificate, whose certificate is revoked, or who has not been issued a certificate upon expiration of the 3-day period may appeal within 10 days of receipt of the denial or revocation to the county court of the county of the applicant's place of residence. The applicant shall file with the court the specific reasons for the denial or revocation by the chief of police or sheriff and a filing fee of \$10 in lieu of any other filing fee required by law. The court shall issue its decision within 30 days of the filing of the appeal.

§ 69-2407. Certificate; contents; term; revocation. A certificate issued in accordance with § 69-2404 shall contain the holder's name, address, and date of birth and the effective date of the certificate. A certificate shall authorize the holder to acquire any number of handguns during the period that the certificate is valid. The certificate shall be valid throughout the state and shall become invalid 3 years after its effective date. If the chief of police or sheriff who issued the certificate determines that the applicant has become disqualified for the certificate under § 69-2404, he or she may immediately revoke the certificate and require the holder to surrender the certificate immediately. Revocation may be appealed pursuant to § 69-2406.

§ 69-2408. False information on application; other violations; penalties; confiscation of handgun. Any person who willfully provides false information on an application form for a certificate under § 69-2404 shall, upon conviction, be guilty of a Class IV felony, and any person who intentionally violates any other provision of §§ 69-2401, 69-2403 to 69-2407, and 69-2409.01 shall, upon conviction, be guilty of a Class I misdemeanor. As a part of the judgment of conviction, the court may order the confiscation of the handgun.

§ 69-2409. Automated criminal history files; legislative intent; system implementation; Nebraska State Patrol; superintendent; duties; purchase, lease, rental, or transfer; election.

(1) It is the intent of the Legislature that the Nebraska State Patrol implement an expedited program of upgrading Nebraska's automated criminal history files to be utilized for, among other law enforcement purposes, an instant criminal history record check on handgun purchasers when buying a handgun from a licensed importer, manufacturer, or dealer so

that such instant criminal history record check may be implemented as soon as possible on or after January 1, 1995.

(2) The patrol's automated arrest and conviction records shall be reviewed annually by the Superintendent of Law Enforcement and Public Safety who shall report the status of such records within 30 days of such review to the Governor and the Clerk of the Legislature. The report submitted to the Clerk of the Legislature shall be submitted electronically. The instant criminal history record check system shall be implemented by the patrol on or after January 1, 1995, when, as determined by the Superintendent of Law Enforcement and Public Safety, 85% of the Nebraska arrest and conviction records since January 1, 1965, available to the patrol are included in the patrol's automated system. Not less than 30 days prior to implementation and enforcement of the instant check system, the patrol shall send written notice to all licensed importers, manufacturers, and dealers outlining the procedures and toll-free number described in §§ 69-2410 to 69-2423.

(3) Upon implementation of the instant criminal history record check system, a person who desires to purchase, lease, rent, or receive transfer of a handgun from a licensed importer, manufacturer, or dealer may elect to obtain such handgun either under §§ 69-2401, 69-2403 to 69-2408, and 69-2409.01 or under §§ 69-2409.01 and 69-2410 to 69-2423.

§ 69-2410. Importer, manufacturer, or dealer; sale or delivery; duties. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell or deliver any handgun to another person other than a licensed importer, manufacturer, dealer, or collector until he or she has:

(1) (a) Inspected a valid certificate issued to such person pursuant to §§ 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

(b) Inspected a valid identification containing a photograph of such person which appropriately and completely identifies such person; or

(2) (a) Obtained a completed consent form from the potential buyer or transferee, which form shall be established by the Nebraska State Patrol and provided by the licensed importer, manufacturer, or dealer. The form shall include the name, address, date of birth, gender, race, and country of citizenship of such potential buyer or transferee. If the potential buyer or transferee is not a United States citizen, the completed consent form shall contain the potential buyer's or transferee's place of birth and his or her alien or admission number;

(b) Inspected a valid identification containing a photograph of the potential buyer or transferee which appropriately and completely identifies such person;

(c) Requested by toll-free telephone call or other electromagnetic communication that the Nebraska State Patrol conduct a criminal history record check; and

(d) Received a unique approval number for such inquiry from the Nebraska State Patrol indicating the date and number on the consent form.

§ 69-2411. Request for criminal history record check; Nebraska State Patrol; duties; fee.

(1) Upon receipt of a request for a criminal history record check, the Nebraska State Patrol shall as soon as possible during the licensee's telephone call or by return telephone call:

(a) Check its criminal history records and check the Federal Bureau of Investigation's National Instant Criminal Background Check System to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law; and

(b) Either (i) inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun or (ii) provide the licensee with a unique approval number.

(2) In the event of electronic failure or similar emergency beyond the control of the Nebraska State Patrol, the patrol shall immediately notify a requesting licensee of the reason for and estimated length of such delay. In any event, no later than the end of the next business day the Nebraska State Patrol shall either (a) inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun or (b) provide the licensee with a unique approval number. If the licensee is not informed by the end of the next business day that the potential buyer is prohibited from receipt or possession of a handgun, and regardless of whether the unique approval number has been received, the licensee may complete the sale or delivery and shall not be deemed to be in violation of §§ 69-2410 to 69-2423 with respect to such sale or delivery.

(3) A fee of \$3 shall be charged for each request of a criminal history record check required pursuant to § 69-2410, which amount shall be transmitted monthly to the Nebraska State Patrol. Such amount shall be for the purpose of covering the costs of the criminal history record check.

§ 69-2412. Records; confidentiality; destruction.

(1) Any records which are created by the Nebraska State Patrol to conduct the criminal history record check containing any of the information set forth in subdivision (2)(a) of § 69-2410 pertaining to a potential buyer or transferee who is not prohibited from receipt or transfer of a handgun by reason of state or federal law shall be confidential and may not be disclosed by the patrol or any officer or employee thereof to any person. The Nebraska State Patrol shall destroy any such records as soon as possible after communicating the unique approval number, and in any event, such records shall be destroyed within 48 hours after the date of receipt of the licensee's request.

(2) Notwithstanding the provisions of this section, the Nebraska State Patrol shall only maintain a log of dates of requests for criminal history record checks and unique approval numbers corresponding to such dates for not to exceed 1 year.

(3) Nothing in this section shall be construed to allow the state to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of handgun transactions, including the names or other

identification of licensees and potential buyers or transferees including persons not otherwise prohibited by law from the receipt or possession of handguns.

§ 69-2413. Nebraska State Patrol; toll-free telephone number; personnel. The Nebraska State Patrol shall establish a toll-free telephone number which shall be operational 7 days a week between 8 a.m. and 10 p.m. for purposes of responding to requests under § 69-2410. The Nebraska State Patrol shall employ and train such personnel as is necessary to expeditiously administer the provisions of §§ 69-2410 to 69-2423.

§ 69-2414. Records; amendment; procedure. Any person who is denied the right to purchase or receive a handgun as a result of procedures established by §§ 69-2410 to 69-2423 may request amendment of the record pertaining to him or her by petitioning the Nebraska State Patrol. If the Nebraska State Patrol fails to amend the record within 7 days, the person requesting the amendment may petition the county court of the county in which he or she resides for an order directing the patrol to amend the record. If the person proves by a preponderance of the evidence that the record should be amended, the court shall order the record be amended. If the record demonstrates that such person is not prohibited from receipt or possession of a handgun by state or federal law, the Nebraska State Patrol shall destroy any records it maintains which contain any information derived from the criminal history record check.

§ 69-2415. Records; rules and regulations. The Nebraska State Patrol shall adopt and promulgate rules and regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to §§ 69-2410 to 69-2423.

§ 69-2416. Licensed importer, manufacturer, or dealer; compliance not required; when. A licensed importer, manufacturer, or dealer shall not be required to comply with the provisions of subdivision (2) of § 69-2410 and §§ 69-2411 to 69-2423 in the event of:

- (1) Unavailability of telephone service at the licensed premises due to (a) the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises due to the location of such premises or (b) the interruption of telephone service by reason of hurricane, flood, natural disaster, other act of God, war, riot, or other bona fide emergency or reason beyond the control of the licensee; or
- (2) Failure of the Nebraska State Patrol to comply reasonably with the requirements of §§ 69-2410 to 69-2423.

§ 69-2417. Nebraska State Patrol; licensee; liability defense; when. Compliance with §§ 69-2410 to 69-2423 shall be a defense by the Nebraska State Patrol and the licensee transferring a handgun in any cause of action under the laws of this state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer, of any handgun which has been shipped or transported in interstate or foreign commerce to any person who has been convicted in any court of any crime punishable by a term of more than 1 year.

§ 69-2418. Instant criminal history record check; requirements; exemptions. Sections 69-2410 to 69-2423 shall not apply to:

- (1) Any antique handgun or pistol; or
- (2) Any firearm which is a curio or relic as defined in 27 C.F.R. 478.11.

§ 69-2419. Criminal history records; prohibited acts; violation; penalty. Any licensed importer, manufacturer, or dealer who knowingly and intentionally requests a criminal history record check from the Nebraska State Patrol for any purpose other than compliance with §§ 69-2410 to 69-2423 or knowingly and intentionally disseminates any criminal history record check information to any person other than the subject of such information shall be guilty of a Class I misdemeanor.

§ 69-2420. False statement; false identification; prohibited acts; violation; penalty. Any person who, in connection with the purchase, transfer, or attempted purchase of a handgun pursuant to §§ 69-2410 to 69-2423, knowingly and intentionally makes any materially false oral or written statement or knowingly and intentionally furnishes any false identification intended or likely to deceive the licensee shall be guilty of a Class IV felony.

§ 69-2421. Sale or delivery; violation; penalty. Any licensed importer, manufacturer, or dealer who knowingly and intentionally sells or delivers a handgun in violation of §§ 69-2401 to 69-2425 shall be guilty of a Class IV felony.

§ 69-2422. Obtaining handgun for prohibited transfer; violation; penalty. For purposes of §§ 69-2401 to 69-2425, any person who knowingly and intentionally obtains a handgun for the purposes of transferring it to a person who is prohibited from receipt or possession of a handgun by state or federal law shall be guilty of a Class IV felony.

§ 69-2424. Rules and regulations. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out §§ 69-2401 to 69-2425.

§ 69-2425. City or village ordinance; not preempted. Any city or village ordinance existing on September 6, 1991, shall not be preempted by §§ 69-2401 to 69-2425.

(b) Firearm Information

§ 69-2426. Dealers of firearms; distribution of information; Firearm Information Fund; created.

(1) Dealers of firearms shall distribute to all purchasers information developed by the Department of Health and Human Services regarding the dangers of leaving loaded firearms unattended around children.

(c) Concealed Handgun Permit Act

§ 69-2427. **Act, how cited.** Sections 69-2427 to 69-2449 shall be known and may be cited as the Concealed Handgun Permit Act.

§ 69-2428. **Permit to carry concealed handgun; authorized.** An individual may obtain a permit to carry a concealed handgun in accordance with the Concealed Handgun Permit Act.

§ 69-2429. **Terms, defined.** For purposes of the Concealed Handgun Permit Act:

(1) **Concealed handgun** means the handgun is totally hidden from view. If any part of the handgun is capable of being seen, it is not a concealed handgun;

(2) **Emergency services personnel** means a volunteer or paid firefighter or rescue squad member or a person licensed to provide emergency medical services pursuant to the Emergency Medical Services Practice Act;

(3) **Handgun** means any firearm with a barrel less than 16 inches in length or any firearm designed to be held and fired by the use of a single hand;

(4) **Peace officer** means any town marshal, chief of police or local police officer, sheriff or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, any officer of the Nebraska State Patrol, any member of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder, any Game and Parks Commission conservation officer, and all other persons with similar authority to make arrests;

(5) **Permitholder** means an individual holding a current and valid permit to carry a concealed handgun issued pursuant to the Concealed Handgun Permit Act; and

(6) **Proof of training** means an original document or certified copy of a document, supplied by an applicant, that certifies that he or she either:

(a) Within the previous 3 years, has successfully completed a handgun training and safety course approved by the Nebraska State Patrol pursuant to § 69-2432; or

(b) Is a member of the active or reserve armed forces of the United States or a member of the National Guard and has had handgun training within the previous 3 years which meets the minimum safety and training requirements of § 69-2432.

§ 69-2430. Application; form; contents; prohibited acts; penalty; permit issuance; denial; appeal.

(1) Application for a permit to carry a concealed handgun shall be made in person at any Nebraska State Patrol Troop Headquarters or office provided by the patrol for purposes of accepting such an application. The applicant shall present a current Nebraska motor vehicle operator's license, Nebraska-issued state identification card, or military identification card and shall submit 2 legible sets of fingerprints for a criminal history record information check pursuant to § 69-2431. The application shall be made on a form prescribed by the Superintendent of Law Enforcement and Public Safety. The application shall state the applicant's full name, motor vehicle operator's license number or state identification card number, address, and date of birth and contain the applicant's signature and shall include space for the applicant to affirm that he or she meets each and every one of the requirements set forth in § 69-2433. The applicant shall attach to the application proof of training and proof of vision as required in subdivision (3) of § 69-2433.

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

(3) (b) Beginning January 1, 2010, the permit to carry a concealed handgun shall be issued by the Nebraska State Patrol within 45 days after the date an application for the permit has been made by the applicant if the applicant has complied with this section and has met all the requirements of § 69-2433.

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

§ 69-2431. **Fingerprinting; criminal history record information check.** In order to insure an applicant's initial compliance with §§ 69-2430 and 69-2433, the applicant for a permit to carry a concealed handgun shall be fingerprinted by the Nebraska State Patrol and a check made of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. In order to insure continuing compliance with §§ 69-2430 and 69-2433 and compliance for renewal pursuant to § 69-2436, a check shall be made of a permitholder's criminal history record information through the National Instant Criminal Background Check System.

§ 69-2432. Nebraska State Patrol; handgun training and safety courses and instructors; duties; certificate of completion of course; fee.

(1) The Nebraska State Patrol shall prepare and publish minimum training and safety requirements for and adopt and promulgate rules and regulations governing handgun training and safety courses and handgun training and safety course

instructors. Minimum safety and training requirements for a handgun training and safety course shall include, but not be limited to:

- (a) Knowledge and safe handling of a handgun;
 - (b) Knowledge and safe handling of handgun ammunition;
 - (c) Safe handgun shooting fundamentals;
 - (d) A demonstration of competency with a handgun with respect to the minimum safety and training requirements;
 - (e) Knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns;
 - (f) Knowledge of federal, state, and local laws pertaining to the use of a handgun, including, but not limited to, use of a handgun for self-defense and laws relating to justifiable homicide and the various degrees of assault;
 - (g) Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation; and
 - (h) Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child;
- (2) A person or entity conducting a handgun training and safety course and the course instructors shall be approved by the patrol before operation. The patrol shall issue a certificate evidencing its approval.
- (3) A certificate of completion of a handgun training and safety course shall be issued by the person or entity conducting a handgun training and safety course to persons successfully completing the course. The certificate of completion shall also include certification from the instructor that the person completing the course does not suffer from a readily discernible physical infirmity that prevents the person from safely handling a handgun.
- (4) Any fee for participation in a handgun training and safety course is the responsibility of the applicant.

§ 69-2433. Applicant; requirements. [Effective July 21, 2016] An applicant shall:

- (1) Be at least 21 years of age;
- (2) Not be prohibited from purchasing or possessing a handgun by 18 U.S.C. 922, as such section existed on January 1, 2005;
- (3) Possess the same powers of eyesight as required under § 60-4,118 for a Class O operator's license. If an applicant does not possess a current Nebraska motor vehicle operator's license, the applicant may present a current optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant. If such certified vision reading meets the vision requirements prescribed by § 60-4,118 for a Class O operator's license, the vision requirements of this subdivision shall have been met;
- (4) Not have been convicted of a felony under the laws of this state or under the laws of any other jurisdiction;
- (5) Not have been convicted of a misdemeanor crime of violence under the laws of this state or under the laws of any other jurisdiction within the ten years immediately preceding the date of application;
- (6) Not have been found in the previous ten years to be a mentally ill and dangerous person under the Nebraska Mental Health Commitment Act or a similar law of another jurisdiction or not be currently adjudged mentally incompetent;
- (7) (a) Have been a resident of this state for at least 180 days. For purposes of this section, resident does not include an applicant who maintains a residence in another state and claims that residence for voting or tax purposes except as provided in subdivision (b) or (c) of this subdivision;
(b) If an applicant is a member of the United States Armed Forces, such applicant shall be considered a resident of this state for purposes of this section after he or she has been stationed at a military installation in this state pursuant to permanent duty station orders even though he or she maintains a residence in another state and claims that residence for voting or tax purposes. The spouse of such applicant shall also be considered a resident of this state for purposes of this section, as shall a person receiving the benefits of a spouse of a member of the United States Armed Forces under the law of the United States; or
(c) If an applicant is a new Nebraska resident and possesses a valid permit to carry a concealed handgun issued by his or her previous state of residence that is recognized by this state pursuant to § 69-2448, such applicant shall be considered a resident of this state for purposes of this section;
- (8) Not have had a conviction of any law of this state relating to firearms, unlawful use of a weapon, or controlled substances or of any similar laws of another jurisdiction within the 10 years preceding the date of application. This subdivision does not apply to any conviction under Chapter 37 or under any similar law of another jurisdiction, except for a conviction under § 37-509, 37-513, or 37-522 or under any similar law of another jurisdiction;
- (9) Not be on parole, probation, house arrest, or work release; and
- (10) Provide proof of training.

§ 69-2434. Permit; design and form. The design and form of the permit to carry a concealed handgun shall be prescribed by the Nebraska State Patrol. The permit shall list the permitholder's name, the permitholder's address, and the expiration date of the permit and contain a photograph of the permitholder.

§ 69-2435. Permitholder; continuing requirements; return of permit; when. A permitholder shall continue to meet the requirements of § 69-2433 during the time he or she holds the permit, except as provided in subsection (4) of § 69-2443. If, during such time, a permitholder does not continue to meet 1 or more of the requirements, the permitholder shall return his or her permit to the Nebraska State Patrol for revocation. If a permitholder does not return his or her permit, the permitholder is subject to having his or her permit revoked under § 69-2439.

§ 69-2436. Permit; period valid; fee; renewal; fee.

(1) A permit to carry a concealed handgun is valid throughout the state for a period of 5 years after the date of issuance. The fee for issuing a permit is \$100.

(2) The Nebraska State Patrol shall renew a person's permit to carry a concealed handgun for a renewal period of 5 years, subject to continuing compliance with the requirements of § 69-2433, except as provided in subsection (4) of § 69-2443. The renewal fee is \$50, and renewal may be applied for up to 4 months before expiration of a permit to carry a concealed handgun.

(3) The applicant shall submit the fee with the application to the Nebraska State Patrol. The fee shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund.

§ 69-2437. Permit; nontransferable. A permit to carry a concealed handgun shall be issued to a specific individual only and shall not be transferred from 1 person to another.

§ 69-2439. Permit; application for revocation; prosecution; fine; costs.

(1) Any peace officer having probable cause to believe that a permit holder is no longer in compliance with 1 or more requirements of § 69-2433, except as provided in subsection (4) of § 69-2443, shall bring an application for revocation of the permit to be prosecuted as provided in subsection (2) of this section.

(2) It is the duty of the county attorney or his or her deputy of the county in which such permit holder resides to prosecute a case for the revocation of a permit to carry a concealed handgun brought pursuant to subsection (1) of this section. In case the county attorney refuses or is unable to prosecute the case, the duty to prosecute shall be upon the Attorney General or his or her assistant.

(3) The case shall be prosecuted as a civil case, and the permit shall be revoked upon a showing by a preponderance of the evidence that the permit holder does not meet 1 or more of the requirements of § 69-2433, except as provided in subsection (4) of § 69-2443.

(4) A person who has his or her permit revoked under this section may be fined up to \$1,000 and shall be charged with the costs of the prosecution. The money collected under this subsection as an administrative fine shall be remitted to the State Treasurer for distribution in accordance with Article VII, § 5, of the Constitution of Nebraska.

§ 69-2440. Permit holder; duties; contact with peace officer or emergency services personnel; procedures for securing handgun.

(1) A permit holder shall carry his or her permit to carry a concealed handgun and his or her Nebraska driver's license, Nebraska-issued state identification card, or military identification card any time he or she carries a concealed handgun. The permit holder shall display both the permit to carry a concealed handgun and his or her Nebraska motor vehicle operator's license, Nebraska-issued state identification card, or military identification card when asked to do so by a peace officer or by emergency services personnel.

(2) Whenever a permit holder who is carrying a concealed handgun is contacted by a peace officer or by emergency services personnel, the permit holder shall immediately inform the peace officer or emergency services personnel that the permit holder is carrying a concealed handgun.

(3) (a) During contact with a permit holder, a peace officer or emergency services personnel may secure the handgun or direct that it be secured during the duration of the contact if the peace officer or emergency services personnel determines that it is necessary for the safety of any person present, including the peace officer or emergency services personnel. The permit holder shall submit to the order to secure the handgun.

(b) (i) When the peace officer has determined that the permit holder is not a threat to the safety of any person present, including the peace officer, and the permit holder has not committed any other violation that would result in his or her arrest or the suspension or revocation of his or her permit, the peace officer shall return the handgun to the permit holder before releasing the permit holder from the scene and breaking contact.

(ii) When emergency services personnel have determined that the permit holder is not a threat to the safety of any person present, including emergency services personnel, and if the permit holder is physically and mentally capable of possessing the handgun, the emergency services personnel shall return the handgun to the permit holder before releasing the permit holder from the scene and breaking contact. If the permit holder is transported for treatment to another location, the handgun shall be turned over to any peace officer. The peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the handgun.

(4) For purposes of this section, contact with a peace officer means any time a peace officer personally stops, detains, questions, or addresses a permit holder for an official purpose or in the course of his or her official duties, and contact with emergency services personnel means any time emergency services personnel provide treatment to a permit holder in the course of their official duties.

§ 69-2441. Permit holder; locations; restrictions; posting of prohibition; consumption of alcohol; prohibited.

(1) (a) A permit holder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as

defined in § 85-1603, a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over 1/2 of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law.

(b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(c) A place of worship may authorize its security personnel to carry concealed handguns on its property so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written notice is given to the congregation and, if the property is leased, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises.

(3) A permitholder carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subdivision (1)(a) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

(4) An employer may prohibit employees or other persons who are permitholders from carrying concealed handguns in vehicles owned by the employer.

(5) A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in § 28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

§ 69-2442. Injury to person or damage to property; permitholder; report required. Any time the discharge of a handgun carried by a permitholder pursuant to the Concealed Handgun Permit Act results in injury to a person or damage to property, the permitholder shall make a report of such incident to the Nebraska State Patrol on a form designed and distributed by the Nebraska State Patrol. The information from the report shall be maintained as provided in § 69-2444.

§ 69-2443. Violations; penalties; revocation of permit.

(1) A permitholder who violates subsection (1) or (2) of § 69-2440 or § 69-2441 or 69-2442 is guilty of a Class III misdemeanor for the first violation and a Class I misdemeanor for any second or subsequent violation.

(2) A permitholder who violates subsection (3) of § 69-2440 is guilty of a Class I misdemeanor.

(3) A permitholder convicted of a violation of § 69-2440 or 69-2442 may also have his or her permit revoked.

(4) A permitholder convicted of a violation of § 69-2441 that occurred on property owned by the state or any political subdivision of the state may also have his or her permit revoked. A permitholder convicted of a violation of § 69-2441 that did not occur on property owned by the state or any political subdivision of the state shall not have his or her permit revoked for a first offense but may have his or her permit revoked for any second or subsequent offense.

§ 69-2444. Listing of applicants and permitholders; availability; confidential information. The Nebraska State Patrol shall maintain a listing of all applicants and permitholders and any pertinent information regarding such applicants and permitholders. The information shall be available upon request to all federal, state, and local law enforcement agencies. Information relating to an applicant or to a permitholder received or maintained pursuant to the Concealed Handgun Permit Act by the Nebraska State Patrol or any other law enforcement agency is confidential and shall not be considered a public record within the meaning of §§ 84-712 to 84-712.09.

§ 69-2445. Carrying concealed weapon under other law; act; how construed. Nothing in the Concealed Handgun Permit Act prevents a person from carrying a concealed weapon as permitted under § 28-1202.

§ 69-2446. Rules and regulations. The Nebraska State Patrol may adopt and promulgate rules and regulations to carry out the Concealed Handgun Permit Act.

§ 69-2448. License or permit issued by other state or District of Columbia; how treated. A valid license or permit to carry a concealed handgun issued by any other state or the District of Columbia shall be recognized as valid in this state under the Concealed Handgun Permit Act if **(1)** the holder of the license or permit is not a resident of Nebraska and **(2)**

the Attorney General has determined that the standards for issuance of such license or permit by such state or the District of Columbia are equal to or greater than the standards imposed by the act. The Attorney General shall maintain and publish a list of such states and the District of Columbia which he or she has determined have standards equal to or greater than the standards imposed by the act.

§ 69-2449. Information to permitholder regarding lost or stolen handgun or firearm. The Nebraska State Patrol shall inform each permitholder, upon the issuance or renewal of a permit to carry a concealed handgun, that if a handgun, or other firearm, owned by such permitholder is lost or stolen, the permitholder should notify his or her county sheriff or local police department of that fact.

Beatrice Code of Ordinances, Codified through Ordinance No. 16-026, enacted June 6, 2016. (Supp. No. 27)
Chapter 17 – Offenses and Miscellaneous Provisions
Article V. Offenses against Public Safety

§ Sec. 17-114 Sale of firearms; records, reports. It shall be the duty of any person who shall sell, trade or dispose of any firearm within the city to notify in writing the chief of police of the city of the sale, trade or disposal of such firearm. Such notice shall contain a description of the firearm so sold, traded or disposed of, together with the name and address of the person who purchased or acquired the same. Such notice shall be delivered to the chief of police forthwith after any such sale, trade or disposal of a firearm and, in any event, within 24 hours thereof.

Omaha Code of Ordinances
Part II – Municipal Code
Chapter 19 – Occupation Taxes
Article II. Schedule

§ Sec. 19-51 Firearm dealers. All applicants for a permit to engage in the business of buying, selling, renting, pawning, pledging or trading any firearms, as provided in § 19-371 et seq., shall pay a permit fee in the amount of \$48 per year. Such fee shall be prorated at \$4 per month or any portion thereof when an application is made other than at the start of a calendar year.

Article XI. – Firearm Dealers
Division 1. Generally

Sec. 19-361. - Definition. For the purposes of this article, the words "firearm dealer" shall mean any person who is engaged in the business of buying, selling, renting, pawning, pledging or trading any firearm, but shall not include any person having an established place of business who is engaged in the business of buying any firearms solely for resale to a person who possesses a federal firearms dealer's license and has an established place of business.

Sec. 19-362. - Record of transactions. All persons who shall engage in the business of a firearm dealer shall keep a book in which shall be legibly written in ink, at the time of any purchase, sale, rental, pawn, pledge or trade of a firearm, an accurate account, description, and identification and serial number, in the English language, of the firearm, the amount of money loaned, paid, or allowed in trade thereon or therefor, when the same was received, and the name, residence and description of the person selling, buying, renting, or trading the same, which book as well as the firearm purchased or taken in trade shall be at all reasonable times open to the inspection of the chief of police, or any member of the police department.

Sec. 19-363. - Daily reports. It shall be the duty of every firearm dealer to make and mail to the chief of police by certified mail every day, for the book required in § 19-362, a list of all firearms or other valuable things received or deposited, purchased, mortgaged, or taken in trade during the previous day, together with the time received, purchased, or taken in trade or in pledge, or from whom the same were purchased or taken in trade; provided the report required by this section shall not apply to Sundays or holidays, but the report of Monday of each week or the first business day thereafter shall cover the business transactions of the Saturday previous, and also the Sunday or holidays previous if any such transactions shall take place on said last-mentioned day; provided that no persons shall be required to furnish such description of any firearm purchased from manufacturers or wholesale dealers having an established place of business or of firearms purchased at open sale from any bankrupt stock, or from any other person doing business and having an established place of business, but such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase, and must be shown to the chief of police or any member of the police department when demanded.

Sec. 19-364. - Retention of firearms. No firearm received on deposit, purchased or taken in trade by any firearm dealer shall be sold or permitted to be taken from the place of business of such person for the period of 10 days after the mailing to the chief of police of the copy and statement as required by § 19-363 requiring a list of all firearms or other valuable things received or deposited, purchased, mortgaged, or taken in trade during the previous day.

Division 2. - Permit

Sec. 19-371. - Required. It shall be unlawful for any person to engage in business as a firearm dealer without first obtaining a permit to do so from the permits and inspections division.

Sec. 19-372. - Federal license required. No permit shall be issued under the provisions of this division to an applicant who does not possess a valid, current license issued by the Alcohol, Tobacco, Tax and Firearms Division of the Internal Revenue Service of the Department of the Treasury of the United States.

Sec. 19-373. - Bond. The applicant for a permit required by the provisions of this division shall execute a continuing bond to the city in the sum of \$2,000 with good and sufficient corporate surety, approved and filed as required by the ordinances of the city and conditioned for the faithful compliance with the provisions of this division.

Sec. 19-374. - Fee. The fee for a permit required by the provisions of this division shall be as provided in § 19-51 of this Code.

Sec. 19-375. - Approval. Before any permit is issued under the provisions of this division, the application therefor shall be approved by the chief of police.

Sec. 19-376. - Business location. No person operating under the provisions of this division shall be allowed to do business in more than 1 place under 1 permit, and every permit shall state the place where such business is to be carried on.

Sec. 19-377. - Transfer. Permits issued under the provisions of this division shall not be transferable, nor shall they be assigned.

Sec. 19-378. - Renewal. Any permit issued under the provisions of this division shall be renewed on or before December 31 next succeeding the date of issuance, and annually thereafter.

Sec. 19-379. - Suspension or revocation—Grounds. Any permit issued under the provisions of this division may be suspended or revoked for the violation by the permittee of:

- (a) Any provision of this division or other applicable provision of this Code, state law or city ordinance, rule or regulation; or
- (b) Any other provision of this Code, state law or city ordinance classified as a misdemeanor or felony.

Sec. 19-380. - Same—Hearing. Before any permit issued under the provisions of this division is suspended or revoked, the permittee shall be given notice of the date and time for a hearing to show cause, if any there be, why such permit should not be revoked. Such hearing shall be within 7 days of the date of the notice. At the time and place set for the show-cause hearing, the police chief shall hear all the testimony as to whether or not grounds for the revocation or suspension of the permit exist.

Sec. 19-381. - Same—Action at hearing. If, upon the conclusion of the hearing thereon, it shall appear that grounds for the suspension or revocation of a permit issued under the provisions of this division exist, the police chief shall so find and impose such suspension or revocation as he may deem proper under the circumstances.

Sec. 19-382. - Same—Appeals. A finding, and the action taken thereon, by the police chief at the conclusion of the hearing on the suspension or revocation of a permit issued under the provisions of this division may be appealed by the permittee to the city council upon written application to the council therefor. Upon hearing such appeal, the council may reverse, change or modify the finding or action of the police chief. A permit shall remain in effect pending the outcome of such appeal.

Division 3. – Firearms Exhibitions

Sec. 19-383. - Permit required. It shall be unlawful for any person to promote or sponsor a firearms exhibition without first obtaining a permit to do so from the permits and inspections division.

Sec. 19-384. - Federal license required. No permit shall be issued under the provisions of this division to an applicant who does not possess a valid, current license issued by the Alcohol, Tobacco, Tax and Firearms Division of the Internal Revenue Service of the Department of the Treasury of the United States.

Sec. 19-385. - Date of application for permit. No permit for a firearm exhibition shall be issued unless applied for more than 5 days before the date of such exhibition.

Sec. 19-386. - Permit fee. The fee for a firearms exhibition sponsor's permit shall be \$10, and this fee shall be waived for retail and/or wholesale firearms dealers currently licensed to do business in the city.

Sec. 19-387. - Duration of exhibition. No firearms exhibition shall continue for more than 3 consecutive days.

Sec. 19-388. - Approval of permit. Before any permit is issued under the provisions of this division, the application therefor shall be approved by the police chief or someone under his direction.

Sec. 19-389. - Location. No person operating under the provisions of this division shall be allowed to do business in more than 1 place under 1 permit.

Sec. 19-390. - Transfer of permit. Permits issued under the provisions of this division shall not be transferable, nor shall they be assigned.

Sec. 19-391. - Duties of promoter. It shall be the duty of the person promoting or sponsoring a firearms exhibition to provide:

(a) Security personnel at each entrance to the exhibition, who shall check every firearm brought into the exhibition by the general public for the purpose of determining that the firearms are not loaded.

(b) Twenty-four-hour-per-day security at the site of the exhibition.

(c) A written notice to each exhibitor stating that all applicable federal, state, and local laws and ordinances must be observed.

(d) To the chief of police or his agent(s), a list of the names and addresses of all exhibitors.

Sec. 19-392. - Duties of exhibitors. Any person who is designated as an exhibitor under § 19-391(d), shall keep an accurate record of all firearms sold, purchased, bartered or traded for, regardless of their antiquity or value or whether said firearms are functioning or nonfunctioning. The record shall be kept in the English language and shall list the serial number, if any, the calibre or gauge, the manufacturer's name, and the name and address of the buyer or seller. Said record shall be made available to the police department, at the request of the police department, during the time of the firearms exhibition and for a period of 2 years thereafter.

Sec. 19-392.1. - Exhibition or sale of ammunition. It shall be unlawful to exhibit or sell any ammunition in an assembled state at a firearms exhibition.

Sec. 19-392.2. - Possession of concealable weapons. Notwithstanding any other provision of this Code, an exhibitor who is a nonresident of this city may possess concealable firearms without registering them with the chief of police. Such possession shall be legal only at the site of the exhibition, while in direct route to or from the exhibition and during the time of exhibition.

Lincoln Code of Ordinances
Title: 9 Public Peace and Welfare
Chapter 9.36: Weapons

9.36.010 Discharge of Firearms Unlawful. It shall be unlawful for any person, except as provided in this chapter, to fire or discharge any gun or firearm, including any pistol, revolver, shotgun, or rifle, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits. (Ord. 15625 §1; July 9, 1990: P.C. §9.28.010: Ord. 9382 §1; January 22, 1968: prior Ord. 3489 §9-101, as amended by Ord. 6513; December 3, 1956).

9.36.020 Minors Not to be Furnished With Firearms, Ammunition or Weapons.

(a) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, fowling piece, or other firearm, any ammunition or component thereof, or any pocket knife having a blade more than 3-1/2 inches in length; provided, it shall be lawful to sell, loan, or furnish shotguns or rifles, of a type commonly used for hunting, and any ammunition or component thereof for the same, to persons 18 years of age or older.

(b) This section shall not apply to delivery or transfer of rifles or shotguns or ammunition or components thereof to a juvenile:

(1) By the juvenile's parent or legal guardian for a legitimate and lawful sporting purpose; or

(2) Who is under direct adult supervision in an appropriate educational or competitive shooting program. (Ord. 17529 § 1; July 19, 1999: prior Ord. 15625 §2; July 9, 1990: P.C. §9.28.020: Ord. 3489 §9-102, as amended by Ord. 6675; November 25, 1957).

9.36.025 Firearms Offered for Sale at Retail; Access Restricted. It shall be unlawful for any person to display for sale at retail any firearm, reloading components of ammunition for firearms, or any ammunition for handguns, without such firearm, reloading components, or ammunition for handguns being secured so as to cause them to be inaccessible without the assistance of authorized sales personnel of the retailer. (Ord. 20037 §1; June 16, 2014: prior Ord. 16975 §1; April 29, 1996).

9.36.030 Report of Sale of Firearms. Any person, firm, association, or corporation dealing in firearms of any type shall, on the same day of the sale of any firearm, except a shotgun or a rifle of a type commonly used for hunting, report the sale to the Police Department on forms as prescribed and furnished by the Police Department. The report shall contain all the information requested thereon. (Ord. 15625 §3; July 9, 1990: P.C. §9.28.025: Ord. 15443 §1; February 20, 1990: prior Ord. 7936 §1; December 26, 1962).

9.36.050 Discharge of Weapons and Other Instruments Unlawful. It shall be unlawful for any person, except as provided in this chapter, to fire or discharge, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits, any air rifle, toy pistol, toy gun, slingshot, or any other air, gas, or spring operated gun, weapon, apparatus, or instrument for the purpose of throwing or projecting missiles of any kind by any means whatsoever in such a

manner as to endanger the safety of persons or property, whether the instrument is called by any name set forth above or by any other name. (Ord. 15625 §5; July 9, 1990: P.C. §9.28.040: Ord. 9382 §2; January 22, 1968: prior Ord. 3489 §9-103; July 6, 1936).

9.36.060 Toy Guns or Slingshots That Discharge Dangerous Missiles Not to be Carried. It shall be unlawful for any person to carry about his or her person any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of or by which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §6; July 9, 1990: P.C. §9.28.050: Ord. 3489 §9-104; July 6, 1936).

9.36.070 Minors Not to be Furnished With Toy Guns or Slingshots That Discharge Missiles. It shall be unlawful for any parent, guardian, or other person having the care and custody of any minor, to purchase for or give to any such minor or knowingly to permit any such minor to have any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §7; July 9, 1990: P.C. §9.28.060: Ord. 3489 §9-105; July 6, 1936).

9.36.080 Exemptions. The provisions of §§ 9.36.010 and 9.36.050 shall not apply to **(a)** licensed shooting galleries or archeries; **(b)** any range operated, supervised, and maintained by the United States of America, the State of Nebraska, or any governmental subdivision thereof, when in connection with an educational or training program and upon property owned or leased by the United States of America, the State of Nebraska, or subdivision or agency thereof; **(c)** a private building within which the instrument is fired, discharged, or operated in such a manner as to prevent the missile projected from traversing in the space outside of the private building; **(d)** any law enforcement officer in the performance of such officer's duties; **(e)** any agent or employee of a political subdivision engaged in controlling the bird or animal population on property owned, leased, or controlled by such political subdivision when authorized by such political subdivision for the protection of the public health, safety, or welfare; **(f)** any hunt authorized by the City of Lincoln conducted under the supervision of the Nebraska Game & Parks Commission in connection with an educational or training program and/or for the purpose of controlling animal population on property owned, leased or controlled by the City of Lincoln; and **(g)** any City recognized homeowner association, located in a flight pattern designated by the Lincoln Airport Authority and in need of bird control, may engage in nonlethal means of controlling the bird population on property owned, leased or controlled by the homeowner association when authorized by the City of Lincoln and while under the supervision of the Nebraska Game & Parks Commission for the protection of the public health, safety, or welfare. The Lincoln Airport Authority must file with the City Clerk a copy of the flight patterns and areas in which control of the bird population is necessary. (Ord. 19311 §1; October 5, 2009: prior Ord. 18110 §1; December 9, 2002: Ord. 17377 §1; July 13, 1998: Ord. 15625 §8; July 9, 1990: P.C. §9.28.130: Ord. 9382 §3; January 22, 1968: Ord. 3489 §9-112, as amended by Ord.4382; March 8, 1943).

9.36.090 Transporting Explosives; Port of Entry; Routes; Penalty. It shall be unlawful for any person, firm, or corporation to convey, or transport through any street, avenue, alley, or other public place within the city, any dynamite, nitroglycerine, gunpowder, guncotton, TNT, or any other explosive material, including fireworks of every nature or description, without first having stopped at a port of entry hereinafter designated, and having notified the Police Department of the city of their intention to move said vehicle within or through the city and requesting a police escort. Such vehicle, or vehicles, shall follow such route, or routes, as may be designated to them by such police escort. The City Council shall, by resolution, designate ports of entry at which all such vehicles shall stop. (Ord. 15625 §9; July 9, 1990: P.C. §9.28.150: Ord. 5633 §§ 1,2; October 21, 1953).

9.36.100 Unlawful Possession of Firearms.

(a) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years: Stalking in violation of *Neb. Rev. Stat. § 28-311.03* or any other comparable or similar state statute from another state; Violation of a protection order as set forth in *Neb. Rev. Stat. § 42-924* or Violation of a foreign protection order as set forth in *Neb. Rev. Stat. § 42-931*; False imprisonment in the second degree in violation of *Neb. Rev. Stat. § 28-315*; Sexual assault in the third degree in violation of *Neb. Rev. Stat. § 28-320*; Impersonating a peace officer in violation of *Neb. Rev. Stat. § 28-610*; or, Impersonating police officer in violation of Lincoln Municipal Code § 9.08.060; Debauching a Minor in violation of *Neb. Rev. Stat. § 28-805*; Obstructing government operations in violation of *Neb. Rev. Stat. § 28-901*; Resisting arrest in violation of *Neb. Rev. Stat. § 28-904*; Resisting officer in violation of Lincoln Municipal Code § 9.08.030; Obstructing a peace officer in violation of *Neb. Rev. Stat. § 28-906*; Interfering with an officer making an arrest in violation of Lincoln Municipal Code § 9.08.020; Carrying concealed weapon in violation of *Neb. Rev. Stat. § 28-1202*; Criminal child enticement in violation of *Neb. Rev. Stat. § 28-311*; Implements for escape in violation of *Neb. Rev. Stat. § 28-913*; Unlawful possession of explosives, second degree in violation of *Neb. Rev. Stat. § 28-1216*; Use of explosives without a permit in violation of *Neb. Rev. Stat. § 28-1218*; Concealing the death of another person in violation of *Neb. Rev. Stat. § 28-1302*; Minors not to be furnished with firearms, ammunition, or weapons in violation of Lincoln Municipal Code § 9.36.020; Discharge of firearms unlawful in violation of Lincoln Municipal Code § 9.36.010; Assault in the third degree in violation of *Neb. Rev. Stat. § 28-310*; Assault and battery, menacing threats in violation of Lincoln Municipal Code §9.12.010; Unlawful intrusion in violation of *Neb. Rev. Stat. § 28-311.08*; Violation of custody in violation of *Neb. Rev. Stat. § 28-316*; Domestic assault in violation of *Neb. Rev. Stat. § 28-323*; Criminal trespass in the first degree in violation of *Neb. Rev. Stat. § 28-520*; Contributing to the delinquency of a child in violation of *Neb. Rev. Stat. § 28-709*; Public indecency in violation of *Neb. Rev. Stat. § 28-806*; Public indecency or indecent exposure in violation of Lincoln

Municipal Code § 9.16.180; Operating a motor vehicle or vessel to avoid arrest in violation of *Neb. Rev. Stat.* § 28-905; Fleeing in a vehicle to avoid arrest in violation of Lincoln Municipal Code § 10.14.280; any violation of the Uniform Controlled Substances Act as set forth in *Neb. Rev. Stat.* §§ 28-401 to 28-456.01; Toxic compounds, unlawful use in violation of Lincoln Municipal Code §9.16.110; Criminal attempt in violation of *Neb. Rev. Stat.* § 28-201 for any of the state crimes set forth in this subsection (a).

(b) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of 2 or more of the following offenses within the last 10 years: Driving under the influence of alcoholic liquor or drugs in violation of *Neb. Rev. Stat.* § 60-6,196; Driving under the influence of alcoholic liquor or drugs in violation of Lincoln Municipal Code § 10.16.030; Implied consent to submit to chemical test, refusal in violation of *Neb. Rev. Stat.* § 60-6-197; Chemical test, refusal in violation of Lincoln Municipal Code §10.16.040; or any conviction under a law of another state or municipality if at the time of the conviction under said law the offence for which the person was convicted would have been a violation of *Neb. Rev. Stat.* §§ 60-6,196 or 60-6,197.

(c) The provisions of this section shall not apply to **(1)** the issuance of firearms or the possession by members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training; or **(2)** a peace officer as defined by *Neb. Rev. Stat.* § 28-109(14). (Ord. 19060 §1; March 24, 2008; prior Ord. 8793 §1; August 21, 2006: Ord. 18158 §1; April 7, 2003).

9.36.110 Firearms in Unattended Motor Vehicle; Unlawful. It shall be unlawful for any person to keep a firearm in an unattended motor vehicle for a period in excess of 24 hours. The provisions of this section shall not apply to members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or peace officers or other duly authorized law enforcement officers, nor shall it apply to vehicles containing firearms that are parked in locked enclosures or buildings, such as garages or other storage facilities. (Ord. 18158 §2; April 7, 2003).

9.36.120 Firearm; Defined. For purposes of §§ 9.36.100 and 9.36.110 of the Lincoln Municipal Code, "firearm" shall mean any weapon which is designed to or may be readily converted to expel any projectile by action of an explosive or frame or receiver of any such weapon including, but not limited to, any pistol, revolver, shotgun, or rifle. (Ord. 18158 §3; April 7, 2003).

9.36.130 Possession of Firearms and Dangerous Weapons in City and/or County Facilities; Prohibited.

(a) It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in a city and/or county facility.

(b) This section shall not apply to possession of a firearm or other dangerous weapon by:

(1) An officer, agent, or employee of a state or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties.

(2) Licensed shooting galleries or archeries.

(3) Any range operated, supervised, or maintained by the State of Nebraska or any political subdivision thereof when in connection with an educational or training program.

(4) Authorized shows, performances and/or exhibitions displaying or using guns and/or knives. (Ord. 18794 §1; August 21, 2006).

9.36.140 Possession of Firearms and Dangerous Weapons in Domestic Violence and Substance Abuse Facilities or Shelters; Prohibited.

(a) It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in a domestic violence victim facility or shelter or substance abuse treatment center licensed by the State of Nebraska.

(b) This section shall not apply to possession of a firearm or other dangerous weapon by an officer, agent, or employee of a state or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties. (Ord. 18794 §2; August 21, 2006).

**York Code of Ordinances
Chapter 4.5 Alarm Systems**

§ Sec. 4.5-10 Firearms dealers; burglary alarm systems required; exceptions. Each business organization which engages in the retail sale of **firearms**, except those organizations that are open 24 hours a day or that have an employee or agent on the premises at all times, shall have a burglar alarm system installed on the premises. Such alarm system shall be monitored by a central station and shall activate upon unauthorized entry or interruption to such system. For the purposes of this section, "business organization means sole proprietorship, partnership, firm, corporation or other form of business or legal entity. The provisions of this section shall not apply to any person who **(1)** sells or exchanges a firearm for the enhancement of a personal collection or as a hobby, **(2)** sells all or part of a personal collection of firearms, or **(3)** sells firearms from his or her own residence and keeps for sale not more than ten firearms.