

State Laws and Published Ordinances – Nebraska

Current through Acts of the 2020 regular session of the 106th Legislature Second Session: LB 4, LB 4A, LB 30, LB 68, LB 76, LB 93, LB 107, LB 148, LB 230, LB 236, LB 287, LB 310, LB 310A, LB 381, LB 387, LB 541, LB 582, LB 643, LB 731, LB 734, LB 734A, LB 740, LB 741, LB 880 and LB 1198.

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Arapahoe

Belleview

Kearney

Lincoln

Loup City

Omaha

York

Chapter 28 – Crimes and Punishments
Article 12 – Offenses Against Public Health and Safety

Section 28-1201. Terms, defined.

For purposes of sections 28-1201 to 28-1212.04, unless the context otherwise requires:

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;

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

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;

Juvenile means any person under the age of 18 years;

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;

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;

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

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

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

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

Section 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.

Section 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.

Section 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 firearm team, to include rifle, pistol, and shotgun disciplines, 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, other than an auticycle, 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.

Section 28-1204.05. Unlawful possession of a firearm by a prohibited juvenile offender; penalty; exceptions; reinstatement of right to possess firearm; procedure; court; considerations; order; how construed.

(1) Except as provided in subsections (3) and (4) of this section, a person under the age of twenty-five years who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if he or she has previously been adjudicated an offender in juvenile court for an act which would constitute a felony or an act which would constitute a misdemeanor crime of domestic violence.

(3) Subsection (1) of this section does not apply to the possession of firearms 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.

(4)

(a) Prior to reaching the age of twenty-five years, a person subject to the prohibition of subsection (1) of this section may file a petition for exemption from such prohibition and thereby have his or her right to possess a firearm reinstated. A petitioner who is younger than nineteen years of age shall petition the juvenile court in which he or she was adjudicated for the underlying offense. A petitioner who is nineteen years of age or older shall petition the district court in the county in which he or she resides.

(b) In determining whether to grant a petition filed under subdivision (4)(a) of this section, the court shall consider:

- (i) The behavior of the person after the underlying adjudication;
- (ii) The likelihood that the person will engage in further criminal activity; and
- (iii) Any other information the court considers relevant.

(c) The court may grant a petition filed under subdivision (4)(a) of this section and issue an order exempting the person from the prohibition of subsection (1) of this section when in the opinion of the court the order will be in the best interests of the person and consistent with the public welfare.

(5) The fact that a person subject to the prohibition under subsection (1) of this section has reached the age of twenty-five or that a court has granted a petition under subdivision (4)(a) of this section shall not be construed to mean that such adjudication has been set aside. Nothing in this section shall be construed to authorize the setting aside of such an adjudication or conviction except as otherwise provided by law.

(6) For purposes of this section, misdemeanor crime of domestic violence has the same meaning as in section 28-1206.

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

(1) A person commits the offense of possession of a deadly weapon by a prohibited person if he or she:

(a) Possesses a firearm, a knife, or brass or iron knuckles and he or she:

- (i) Has previously been convicted of a felony;
- (ii) Is a fugitive from justice;

(iii) Is the subject of a current and validly issued domestic violence protection order, harassment protection order, or sexual assault protection order and is knowingly violating such order; or

(iv) Is on probation pursuant to a deferred judgment for a felony under section 29-2292; or

(b) Possesses a firearm or brass or iron knuckles and he or she has been convicted within the past 7 years of a misdemeanor crime of domestic violence.

(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.

(5)

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

(i) 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) Has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and

(iii) 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.

(b) For purposes of this section, misdemeanor crime of domestic violence also includes the following offenses; if committed by a person against his or her spouse, his or her former spouse, a person with whom he or she is or was involved in a dating relationship as defined in § 28-232, or 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:

(i) Assault in the third degree under § 28-310;

(ii) Stalking under subsection (1) of § 28-311.04;

(iii) False imprisonment in the second degree under § 28-315;

(iv) First offense domestic assault in the third degree under subsection (1) of § 28-323; or

(v) Any attempt or conspiracy to commit any of such offenses.

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

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

(ii) 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:

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

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

(6) In addition, for purposes of this section:

(b) Domestic violence protection order means a protection order issued pursuant to § 42-924;

(c) Harassment protection order means a protection order issued pursuant to § 28-311.09 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;

(e) Sexual assault protection order means a protection order issued pursuant to section 28-311.11 or that meets or exceeds the criteria set forth in section 28-311.12 regarding protection orders issued by a court in any other state or a territory, possession, or tribe.

Section 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.

Section 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.

Section 28-1212.03. Stolen firearm; prohibited acts; violation; penalty. [Effective until July 24, 2020]

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.

Section 28-1212.03. Stolen firearm; prohibited acts; violation; penalty. [Effective July 24, 2020]

(1) 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.

(2) Any person who possesses, receives, retains, or disposes of a stolen firearm when such person should have known, or had reasonable cause to believe, that such firearm 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.

Section 28-1213. Explosives, destructive devices, other terms; defined.

For purposes of sections 28-1213 to 28-1239, unless the context otherwise requires:

(7)

(a) Destructive devices means:

(i) Any explosive, incendiary, chemical or biological poison, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, (F) booby trap, (G) Molotov cocktail, (H) bottle bomb, (I) vessel or container intentionally caused to rupture or mechanically explode by expanding pressure from any gas, acid, dry ice, or other chemical mixture, or (J) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

(ii) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7)(a)(i) of this section from which a destructive device may be readily assembled.

(b) The term destructive device does not include (i) any device which is neither designed nor redesigned for use as a weapon to be used against person or property, (ii) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device, (iii) surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to 10 U.S.C. 4684(2), 4685, or 4686, as such sections existed on March 7, 2006, (iv) any other device which the Nebraska State Patrol finds is not likely to be used as a weapon or is an antique, or (v) any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property;

Section 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 sections 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.

Section 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 section 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.

Chapter 29 – Criminal Procedure
Article 22 – Judgment on Conviction
(c) Prohibition

Section 29-2262. Probation; conditions.

(1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be a habitual criminal pursuant to section 29-2221.

(2) The court may, as a condition of a sentence of probation, require the offender:

(i) To possess no firearm or other dangerous weapon if convicted of a felony, or if convicted of any other offense, to possess no firearm or other dangerous weapon unless granted written permission by the court;

Chapter 69 – Personal Property
Article 24 – Guns
(a) Handguns

Section 69-2402. Terms, defined.

For purposes of sections 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 section 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.

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

(1) Except as provided in this section and section 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 section 69-2404. Except as provided in this section and section 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 section 69-2429.

Section 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.

Section 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 sections 69-2401, 69-2403 to 69-2408, and 69-2409.01.

Section 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.

Section 69-2407. Certificate; contents; term; revocation.

A certificate issued in accordance with section 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 section 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 section 69-2406.

Section 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 section 69-2404 shall, upon conviction, be guilty of a Class IV felony, and any person who intentionally violates any other provision of sections 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.

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

(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 sections 69-2401, 69-2403 to 69-2408, and 69-2409.01 or under sections 69-2409.01 and 69-2410 to 69-2423.

Section 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 sections 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.

Section 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 sections 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 section 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.

Section 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 sections 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.

Section 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 section 69-2410 and sections 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 sections 69-2410 to 69-2423.

Section 69-2417. Nebraska State Patrol; licensee; liability defense; when.

Compliance with sections 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.

Section 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.

Section 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 sections 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.

Section 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 sections 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.

Section 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 sections 69-2401 to 69-2425 shall be guilty of a Class IV felony.

Section 69-2422. Obtaining handgun for prohibited transfer; violation; penalty.

For purposes of sections 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.

(b) Firearm Information

Section 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

Section 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.

Section 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 or authorized to provide emergency medical services pursuant to the EMS Personnel Licensure Interstate Compact;

(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 section 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 section 69-2432.

Section 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.

Section 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.

Section 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.

Section 69-2433. Applicant; requirements.

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.

Section 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 permit holder's name, the permit holder's address, and the expiration date of the permit and contain a photograph of the permit holder.

Section 69-2435. Permit holder; continuing requirements; return of permit; when.

A permit holder 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 permit holder does not continue to meet 1 or more of the requirements, the permit holder shall return his or her permit to the Nebraska State Patrol for revocation. If a permit holder does not return his or her permit, the permit holder is subject to having his or her permit revoked under § 69-2439.

Section 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.

Section 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.

Section 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.

Section 69-2441. Permitholder; locations; restrictions; posting of prohibition; consumption of alcohol; prohibited.

(1)

(a) A permitholder 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 section 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 one-half 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.

Section 69-2449. Information to permit holder regarding lost or stolen handgun or firearm.

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

Chapter 71 – Public Health and Welfare
Article 9 – Nebraska Mental Health and Commitment Act

Section 71-904.01. Firearm-related disability, defined.

Firearm-related disability means a person is not permitted to (1) purchase, possess, ship, transport, or receive a firearm under either state or federal law, (2) obtain a certificate to purchase, lease, rent, or receive transfer of a handgun under section 69-2404, or (3) obtain a permit to carry a concealed handgun under the Concealed Handgun Permit Act.

Section 71-963. Firearm-related disabilities; petition to remove; mental health board; review hearing; evidence; decision; appeal; petition granted; effect.

(1) Upon release from commitment or treatment, a person who, because of a mental health-related commitment or adjudication occurring under the laws of this state, is subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4) or is disqualified from obtaining a certificate to purchase, lease, rent, or receive transfer of a handgun under section 69-2404 or obtaining a permit to carry a concealed handgun under the Concealed Handgun Permit Act may petition the mental health board to remove such firearm-related disabilities.

(2)

(a)

(i) Upon the filing of the petition, the petitioner may request and, if the request is made, shall be entitled to, a review hearing by the mental health board. The petitioner shall prove by clear and convincing evidence that:

(A) The petitioner will not be likely to act in a manner dangerous to public safety; and

(B) The granting of the relief would not be contrary to the public interest.

(ii) In determining whether to remove the petitioner's firearm-related disabilities, the mental health board shall receive and consider evidence upon the following:

(A) The circumstances surrounding the petitioner's mental health commitment or adjudication;

(B) The petitioner's record, which shall include, at a minimum, the petitioner's mental health and criminal history records;

(C) The petitioner's reputation, developed, at a minimum, through character witness statements, testimony, or other character evidence; and

(D) Changes in the petitioner's condition, treatment, treatment history, or circumstances relevant to the relief sought.

(b) The mental health board shall grant a petition filed under this section if the mental health board determines that the petitioner has proven by clear and convincing evidence that the firearm-related disabilities set forth in subsection (1) of this section should be removed.

(3) If a decision is made by the mental health board to remove the petitioner's firearm-related disabilities, the clerks of the various courts shall, as soon as practicable, but within thirty days, send an order to the Nebraska State Patrol and the Department of Health and Human Services, in a form and in a manner prescribed by the Department of Health and Human Services and the Nebraska State Patrol, stating the mental health board's findings, which shall include a statement that, in the opinion of the mental health board, (a) the petitioner is not likely to act in a manner that is dangerous to public safety and (b) removing the petitioner's firearm-related disabilities will not be contrary to the public interest.

(4) The petitioner may appeal a denial of the requested relief to the district court, and review on appeal shall be de novo.

(5) If a petition is granted under this section, the commitment or adjudication for which relief is granted shall be deemed not to have occurred for purposes of section 69-2404 and the Concealed Handgun Permit Act and, pursuant to section 105(b) of Public Law 110-180, for purposes of 18 U.S.C. 922(d)(4) and (g)(4).

Chapter 83 – State Institutions

Article 1 – Management

(f) Correctional Services, Parole, and Pardons

Section 83-1,130. Board of Pardons; pardon authority; application; limitation; relief granted or denied; firearms; authorization.

(2) The Board of Pardons may, in appropriate cases when a person has been convicted of a felony and has been granted a pardon by the appropriate authority of this state or is hereafter granted a pardon for a conviction occurring prior to, on, or subsequent to August 25, 1969, empower the Governor to expressly authorize such person to receive, possess, or transport in commerce a firearm.

Chapter 69 – Personal Property

Article 24 – Guns

(a) Handguns

Section 69-2425. City or village ordinance; not preempted.

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

Arapahoe Code of Ordinances

Current through Ordinance 2016-02, passed April 19, 2016.

Title XIII – General Offenses

Chapter 130 – General Offenses

Section 130.04. Unlawful possession of dangerous weapons.

Any person under the age of 19 years to possess a pistol, revolver, dagger, dirk, knife or stiletto with a blade over three and one-half inches in length, knuckles, brass knuckles, iron knuckles or any other instrument consisting of finger rings or guards made of a hard substance and designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the fist enclosed in the knuckles, or nunchakus, Chinese throwing stars, butterfly knives, climbing claws or other martial arts weapons, commits the offense of unlawful possession of a dangerous weapon.

Bellevue Code of Ordinances

Current through Ordinance 3712, enacted March 11, 2013 (O.C. Corr. 3)

Chapter 20 – Offenses

Article I – In General

Section 20-9. Selling firearms or weapons restricted.

(a) For the purposes of this section, the following words and phrases shall have the meanings ascribed to them:

Firearm: An instrument which releases a projectile by means of an explosive charge.

Weapon: Any firearm or other instrument the use of which is intended or likely to cause death or bodily injury.

(b) No person for himself or herself, or as an agent or employee shall sell, bargain, deliver, barter or convey any firearm or weapon within the city limits during the hours of 10:00 p.m. to 7:00 a.m. of the following day.

Kearney Code of Ordinances

Current through Ordinance 8393, enacted January 14, 2020. (Supplement 3)

Chapter 8 – Police

Article 19 – Offenses Against Public Health and Safety

Section 8-1904. Firearms; sale to and possession by minors

It shall be unlawful for any person within the City to sell or give way to any minor under the age of eighteen (18) years, or for any such minor to have in his/her possession, any revolver, pistol, gun or firearm of any description or caliber or any cartridges or ammunition loaded with power, or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Lincoln Code of Ordinances

Effective July 10, 2018.

Title 2 – Officers, Departments and Personnel

Title – 9 Public Peace and Welfare

Chapter 9.36 – Weapons

Section 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.

Section 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.

Section 9.36.035. Unlawful to Sell or Possess Multiburst Trigger Activators.

It shall be unlawful for any person to sell, give away, or furnish to another person any device meeting the definition of multiburst trigger activator and it shall be unlawful for any person to have in his or her possession, custody, or control any device defined as a multiburst trigger activator within the corporate city limits of the City of Lincoln.

Section 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.

Section 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.

Section 9.36.150. Definitions.

For the purposes of Sections 9.36.035, 9.36.130, and 9.36.140 the following words shall have the following meanings:

City and/or county facility shall mean a building or part thereof owned or leased by the City of Lincoln Nebraska and/or Lancaster County or which is used as offices for any city and/or county employee.

Dangerous weapon shall mean any firearm, stun gun, knife, switchblade knife, any gun which releases any propelled object by spring mechanism, compressed air or compressed gas, or any other instrument the use of which is intended or likely to cause death or bodily injury;

Multiburst trigger activator shall mean either: (a) a device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device; or (b) a trigger-activating device, whether manual or power-driven, that is constructed and designed so that when such device is attached to a semiautomatic firearm the rate of fire of such firearm is increased.

Loup City Code of Ordinances
Current through Ordinance 701, passed August 6, 2013.

Title XIII – General Offenses
Chapter 130 – General Offenses
Weapons

Section 130.041. Unlawful possession of a revolver.

It shall be unlawful for any person under the age of 18 years to possess a pistol, revolver, or any other form of short-barreled hand firearm; provided, that it shall be lawful to possess a pistol, revolver, or short-barreled firearm for instruction under the immediate supervision of a parent, guardian, or adult instructor.

Omaha Code of Ordinances
Current through Ordinance 42098, enacted January 7, 2020. (Supplement 82)

Chapter 19 – Occupation Taxes
Article II – Schedule

Section 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 section 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

Section 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.

Section 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.

Section 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 section 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

Section 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.

Section 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.

Section 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.

Section 19-374. Fee.

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

Section 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.

Section 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.

Section 19-377. Transfer.

Permits issued under the provisions of this division shall not be transferable, nor shall they be assigned.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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

Section 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.

Section 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.

Section 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.

Section 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.

Section 19-387. Duration of exhibition.

No firearms exhibition shall continue for more than 3 consecutive days.

Section 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.

Section 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.

Section 19-390. Transfer of permit.

Permits issued under the provisions of this division shall not be transferable, nor shall they be assigned.

Section 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.

Section 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.

Section 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.

Section 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.

**Chapter 20 – Offenses
Article VII – Weapons
Division I – Generally**

Section 20-191. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Concealable firearm: A firearm having an overall length of less than 26 inches.

Firearm: Any instrument which releases a projectile by means of an explosive charge.

Machine gun: Any firearm which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in possession or under the control of a person.

Weapon: A firearm, stun gun or any other instrument the use of which is intended or likely to cause death or bodily injury.

Section 20-198. Sale of firearm to minor; penalty.

- (a) It shall be unlawful for any person to sell or otherwise furnish or deliver any firearm, component parts or ammunition to any individual who is known, or there is reason to believe that the individual is less than 18 years of age, and if the firearm, component parts or ammunition is a concealable firearm, to any person who has not reached the age of 21.
- (b) Any person convicted under the provisions of this section shall be punished by a mandatory fine of \$500.00 and by a mandatory imprisonment of six months.

Section 20-200. Permit required for purchasing or renting firearm.

It shall be unlawful for any person to sell or rent a concealable firearm to any person who has not obtained a written permit from the chief of police as provided for in this article.

Section 20-201. Pawning firearm.

It shall be lawful for any person to pawn, pledge or store a concealable firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this article. No such firearm shall be returned to any person until such person has registered it as provided for in this article.

Section 20-203. Possession of machine guns.

(a) It shall be unlawful for any person to possess any machine gun.

(b) It shall be an affirmative defense under this section that the accused is a member of one or more of the following classes:

- (1) Authorized law enforcement officers in the performance of their official duties;
- (2) The armed forces of the United States, including ROTC units and the National Guard in the performance of their duties;
- (3) Any person or persons or corporation licensed by the federal government as a dealer in machine guns under the provisions of the National Firearms Act; or
- (4) Any person lawfully purchasing and possessing a machine gun under applicable federal law.

Section 20-204. Unlawful possession of concealable firearm; exceptions.

(a) Any person who has not reached the age of 21 who possesses a concealable firearm as defined in this article commits the offense of unlawful possession of a concealable firearm.

(b) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, national guard of the state, or reserve officer training corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of concealable firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

**Chapter 30 – Sales
Article II – Secondhand Dealers**

Section 30-21. Definitions.

(a) **"Secondhand goods dealer"** shall mean any person who regularly operates, keeps or manages any secondhand goods store and either:

- (1) Purchases regulated property within the City of Omaha; or
- (2) Offers for sale regulated property within the City of Omaha.

(b) **"Secondhand goods store"** shall mean any store, room, building, or enclosure where secondhand articles or regulated property are regularly bought or sold for profit or pleasure. For purposes of this article, electronic repair shops are included in this definition.

(c) **"Regulated property"** shall mean any of the following property that is used second hand:

(5) Firearms;

(d) "Regulated property" shall not include items purchased or handled by the following establishments:

- (1) Charitable organizations that accept donations from individuals that are later sold to benefit the charitable organization;
- (2) Antique dealers or auction houses, including on-line vendors;
- (3) Places of residence;
- (4) Used furniture stores;
- (5) Used clothing stores;
- (6) Used book stores;
- (7) Flea markets;
- (8) Traveling venues; and

(9) Vehicle Service Centers.

(e) "Regulated property" shall not include items traded in for equal or greater value or for store credit.

Section 30-22. Permit required.

Every person desiring to engage in the business of a dealer in secondhand goods shall obtain a permit before engaging in such business.

York Code of Ordinances

Current through Ordinance 2208, enacted September 20, 2018. (Supplement 42)

Chapter 4.5 – Alarm Systems

Section 4.5-1. Definitions.

As used in this chapter, the following terms shall have and be given the following meanings.

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 frame or receiver of any such weapon.

Section 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.