

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 97**

FINAL READING

Introduced by Flood, 19

Read first time January 5, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to handguns; to amend sections 69-2441 and  
2 69-2443, Revised Statutes Cumulative Supplement, 2006; to  
3 change provisions relating to carrying concealed handguns  
4 and revocation of permits for certain violations; and to  
5 repeal the original sections.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 69-2441, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           69-2441 (1)(a) A permitholder may carry a concealed  
4 handgun anywhere in Nebraska, except any: Police, sheriff, or  
5 Nebraska State Patrol station or office; detention facility,  
6 prison, or jail; courtroom or building which contains a courtroom;  
7 polling place during a bona fide election; meeting of the governing  
8 body of a county, public school district, municipality, or  
9 other political subdivision; meeting of the Legislature or a  
10 committee of the Legislature; financial institution; professional,  
11 or semiprofessional, or collegiate athletic event; school, school  
12 grounds, school-owned vehicle, or school-sponsored activity or  
13 athletic event; building, grounds, vehicle, or sponsored activity  
14 or athletic event of any public, private, denominational, or  
15 parochial school or private or public university, college, or  
16 community college; place of worship; hospital, emergency room,  
17 or trauma center; political rally or fundraiser; establishment  
18 having a license issued under the Nebraska Liquor Control Act  
19 that derives over one-half of its total income from the sale of  
20 alcoholic liquor; place where the possession or carrying of a  
21 firearm is prohibited by state or federal law; a place or premises  
22 where the person, persons, entity, or entities in control of the  
23 property or employer in control of the property has prohibited  
24 permitholders from carrying concealed handguns into or onto the  
25 place or premises; or into or onto any other place or premises

1 where handguns are prohibited by law or rule or regulation.

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

8 (2) If a person, persons, entity, or entities in control  
9 of the property or an employer in control of the property prohibits  
10 a permitholder from carrying a concealed handgun into or onto the  
11 place or premises and such place or premises are open to the  
12 public, a permitholder does not violate this section unless the  
13 person, persons, entity, or entities in control of the property  
14 or employer in control of the property has posted conspicuous  
15 notice that carrying a concealed handgun is prohibited in or  
16 on the place or premises or has made a request, directly or  
17 through an authorized representative or management personnel, that  
18 the permitholder remove the concealed handgun from the place or  
19 premises. A permitholder carrying a concealed handgun in a vehicle  
20 into or onto any place or premises does not violate this section  
21 so long as the handgun is not removed from the vehicle while the  
22 vehicle is in or on the place or premises. An employer may prohibit  
23 employees or other persons who are permitholders from carrying  
24 concealed handguns in vehicles owned by the employer.

25 (3) A permitholder shall not carry a concealed handgun

1 while he or she is consuming alcohol or while the permitholder  
2 has remaining in his or her blood, urine, or breath any previously  
3 consumed alcohol or any controlled substance as defined in section  
4 28-401. A permitholder does not violate this subsection if the  
5 controlled substance in his or her blood, urine, or breath was  
6 lawfully obtained and was taken in therapeutically prescribed  
7 amounts.

8           Sec. 2. Section 69-2443, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10           69-2443 (1) A permitholder who violates subsection (1)  
11 or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty  
12 of a Class III misdemeanor for the first violation and a Class I  
13 misdemeanor for any second or subsequent violation.

14           (2) A permitholder who violates subsection (3) of section  
15 69-2440 is guilty of a Class I misdemeanor.

16           ~~(3) A permitholder who violates this section shall also~~  
17 ~~be subject to revocation of his or her permit under section~~  
18 ~~69-2439.~~

19           (3) A permitholder convicted of a violation described in  
20 subsection (1) or (2) of this section may also have his or her  
21 permit revoked.

22           Sec. 3. Original sections 69-2441 and 69-2443, Revised  
23 Statutes Cumulative Supplement, 2006, are repealed.