

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1133

Introduced by Tyson, 19; Baker, 44; Bruning, 3; Dierks, 40;
Hudkins, 21; Jensen, 20; Jones, 43; Dw. Pedersen, 39;
Quandahl, 31; Redfield, 12; Schmitt, 41; Schrock, 38;
Smith, 48

Read first time January 10, 2000

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-1202, Reissue Revised Statutes of Nebraska; to
3 eliminate the offense of carrying a concealed weapon; to
4 create the offense of carrying a weapon with unlawful
5 intent; to provide a penalty; and to repeal the original
6 section.

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

1 Section 1. Section 28-1202, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1202. (1) ~~Except as provided in subsection (2) of~~
4 ~~this section, any~~ Any person who, with the intent to unlawfully
5 injure another person or commit a crime of violence, carries a
6 weapon or weapons concealed on or about his or her person such as a
7 revolver, pistol, bowie knife, dirk or knife with a dirk blade
8 attachment, brass or iron knuckles, or any other deadly weapon
9 commits the offense of carrying a ~~concealed~~ weapon with unlawful
10 intent.

11 (2) ~~It shall be an affirmative defense that the defendant~~
12 ~~was engaged in any lawful business, calling, or employment at the~~
13 ~~time he or she was carrying any weapon or weapons and the~~
14 ~~circumstances in which such person was placed at the time were such~~
15 ~~as to justify a prudent person in carrying the weapon or weapons~~
16 ~~for the defense of his or her person, property, or family.~~

17 ~~(3)~~ Carrying a ~~concealed~~ weapon with unlawful intent is a
18 Class I misdemeanor.

19 ~~(4)~~ (3) In the case of a second or subsequent conviction
20 under this section, carrying a ~~concealed~~ weapon with unlawful
21 intent is a Class IV felony.

22 Sec. 2. Original section 28-1202, Reissue Revised
23 Statutes of Nebraska, is repealed.