

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 518

Introduced by Christensen, 44.

Read first time January 18, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Concealed Handgun Permit Act; to amend
2 sections 69-2441 and 69-2443, Reissue Revised Statutes of
3 Nebraska; to change certain penalty and violations
4 provisions; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2441, Reissue Revised Statutes of
2 Nebraska, 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, prison,
6 or jail; courtroom or building which contains a courtroom; polling
7 place during a bona fide election; meeting of the governing body of a
8 county, public school district, municipality, or other political
9 subdivision; meeting of the Legislature or a committee of the
10 Legislature; financial institution; professional or semiprofessional
11 athletic event; building, grounds, vehicle, or sponsored activity or
12 athletic event of any public, private, denominational, or parochial
13 elementary, vocational, or secondary school, a private postsecondary
14 career school as defined in section 85-1603, a community college, or
15 a public or private college, junior college, or university; place of
16 worship; hospital, emergency room, or trauma center; political rally
17 or fundraiser; establishment having a license issued under the
18 Nebraska Liquor Control Act that derives over one-half of its total
19 income from the sale of alcoholic liquor; place where the possession
20 or carrying of a firearm is prohibited by state or federal law; a
21 place or premises where the person, persons, entity, or entities in
22 control of the property or employer in control of the property has
23 prohibited permitholders from carrying concealed handguns into or
24 onto the place or premises; or into or onto any other place or
25 premises where handguns are prohibited by state law.

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

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

16 (2) If a person, persons, entity, or entities in control
17 of the property or an employer in control of the property prohibits a
18 permitholder from carrying a concealed handgun into or onto the place
19 or premises and such place or premises are open to the public, a
20 permitholder carrying a concealed handgun onto the place or premises
21 does not violate this section unless:

22 (a) The ~~the~~ person, persons, entity, or entities in
23 control of the property or employer in control of the property has
24 posted conspicuous notice that carrying a concealed handgun is
25 prohibited in or on the place or premises and the permitholder

1 entered the place or premises knowing that carrying a concealed
2 handgun into or onto the place or premises is prohibited; or

3 (b) The person, persons, entity, or entities in control
4 of the property or employer in control of the property has made a
5 request, directly or through an authorized representative or
6 management personnel, that the permitholder remove the concealed
7 handgun from the place or premises or, if applicable, secure the
8 handgun in a vehicle pursuant to subsection (3) of this section, and
9 the permitholder refuses.

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

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

24 (5) A permitholder shall not carry a concealed handgun
25 while he or she is consuming alcohol or while the permitholder has

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

7 Sec. 2. Section 69-2443, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 69-2443 (1) A permitholder who violates subsection (1) or
10 (2) of section 69-2440 ~~or section 69-2441~~ or section 69-2442 is
11 guilty of a Class III misdemeanor for the first violation and a Class
12 I misdemeanor for any second or subsequent violation.

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

15 (3) A permitholder who violates section 69-2441 is guilty
16 of a Class III misdemeanor, except that a permitholder who violates
17 subdivision (2)(b) of section 69-2441 is guilty of a Class II
18 misdemeanor.

19 ~~(3)-(4)~~ (4) A permitholder convicted of a violation described
20 in subsection (1), (2), or (3) ~~or (2)~~ of this section may also have
21 his or her permit revoked.

22 Sec. 3. Original sections 69-2441 and 69-2443, Reissue
23 Revised Statutes of Nebraska, are repealed.