

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 785

Introduced by Christensen, 44.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to firearms; to authorize possession of firearms

2 as prescribed.

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

1 Section 1. (1) For purposes of this section, motor
2 vehicle means any automobile, truck, minivan, sport utility vehicle,
3 motorcycle, motor scooter, or any other vehicle required to be
4 registered under state law when operated on the highways of this
5 state.

6 (2) Except as otherwise provided in this section, any
7 business entity, owner, manager, or legal possessor of real property,
8 or public or private employer shall not establish, maintain, or
9 enforce a policy or rule that prohibits or has the effect of
10 prohibiting a person's transportation or storage of a firearm or
11 ammunition when:

12 (a) The firearm or ammunition:

13 (i) Is kept from ordinary observation within the person's
14 attended, privately-owned motor vehicle; or

15 (ii) Is kept from ordinary observation and locked within
16 the trunk, glove box, or interior of the person's privately-owned
17 motor vehicle or a container securely affixed to such vehicle; and

18 (b) The motor vehicle is operated or parked in a location
19 where it is otherwise permitted to be.

20 (3) A person who is injured or incurs damages, or the
21 survivors of a person killed, as a result of a violation of
22 subsection (2) of this section may bring a civil action against any
23 business entity, owner, manager, or legal possessor of real property,
24 or public or private employer who committed or caused such violation.
25 An employee who is denied the opportunity to transport or store a

1 firearm or ammunition by a policy or rule prohibited by subsection
2 (2) of this section may bring a civil action to enjoin any business
3 entity, owner, manager, or legal possessor of real property, or
4 public or private employer from violating subsection (2) of this
5 section. In any actions brought pursuant to this subsection, court
6 costs and attorney's fees shall be awarded to the prevailing
7 plaintiff.

8 (4) An employee terminated by a public or private
9 employer for a violation of a policy or rule prohibited by subsection
10 (2) of this section is entitled to full recovery as specified in
11 subdivisions (a) through (c) of this subsection. If demand for the
12 recovery has not been satisfied within forty-five calendar days after
13 demand is made, the employee may bring a civil action against the
14 public or private employer and shall be entitled to the following:

15 (a) Reinstatement to the same position held at the time
16 of his or her termination from employment or an equivalent position;

17 (b) Reinstatement of the employee's full benefits and
18 seniority rights, as appropriate; and

19 (c) Compensation, if applicable, for lost wages,
20 benefits, or other lost remuneration caused by the termination.

21 (5) No business entity, owner, manager, or legal
22 possessor of real property, or public or private employer shall be
23 held liable in any civil action for damages, injuries, or death
24 resulting from or arising out of another person's actions involving a
25 firearm or ammunition transported or stored pursuant to subsection

1 (2) of this section, including, but not limited to, the theft of a
2 firearm from an employee's or invitee's automobile, unless the
3 business entity, owner, manager, or legal possessor of real property,
4 or public or private employer intentionally solicited or procured
5 such other person's injurious actions.

6 (6) This section applies notwithstanding the contrary
7 application of any other law, except that this section shall not
8 apply if:

9 (a) The person operating the motor vehicle is: (i)
10 Prohibited from possessing, receiving, or transporting firearms under
11 section 28-1206 or 18 U.S.C. 922, as such section existed on January
12 1, 2012, or by any court order; (ii) in violation of section 28-1202;
13 (iii) in violation of section 28-1203; (iv) in violation of section
14 28-1204; (v) in violation of section 28-1204.04; (vi) in violation of
15 section 28-1207; (vii) in violation of section 28-1212.03; or (viii)
16 in violation of section 37-522; or

17 (b) The motor vehicle is on the grounds of an owner-
18 occupied single-family detached residence or a tenant-occupied
19 single-family detached residence;

20 (c) The motor vehicle is owned or leased by an employer
21 and is being used by an employee during and in the course of the
22 employee's duties on behalf of the employer; or

23 (d) The motor vehicle is located in any place where
24 firearms are expressly prohibited by federal law.

25 (7) It is the intent of this section to reinforce and

1 protect the right of each citizen to lawfully transport and store
2 firearms within his or her private motor vehicle for lawful purposes
3 in any place where the motor vehicle is otherwise permitted to be.
4 This section is to be liberally construed to effectuate this purpose.