

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 802**

Introduced by Lautenbaugh, 18.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Concealed Handgun Permit Act; to amend  
2 section 69-2441, Reissue Revised Statutes of Nebraska; to  
3 authorize the carrying of a concealed handgun by certain  
4 authorities within the scope of their employment as  
5 prescribed; and to repeal the original section.  
6 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 does not violate this section unless the person,  
21 persons, entity, or entities in control of the property or employer  
22 in control of the property has posted conspicuous notice that  
23 carrying a concealed handgun is prohibited in or on the place or  
24 premises or has made a request, directly or through an authorized  
25 representative or management personnel, that the permitholder remove

1 the concealed handgun from the place or premises.

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

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

16 (5) A permitholder shall not carry a concealed handgun  
17 while he or she is consuming alcohol or while the permitholder has  
18 remaining in his or her blood, urine, or breath any previously  
19 consumed alcohol or any controlled substance as defined in section  
20 28-401. A permitholder does not violate this subsection if the  
21 controlled substance in his or her blood, urine, or breath was  
22 lawfully obtained and was taken in therapeutically prescribed  
23 amounts.

24 (6) The provisions of subdivision (1)(a) of this section  
25 notwithstanding, it is not a violation of this section for the United

1 States Attorney for the District of Nebraska, the Attorney General,  
2 any county attorney, any assistant United States Attorney if  
3 authorized by the United States Attorney for the District of  
4 Nebraska, any assistant Attorney General if authorized by the  
5 Attorney General, any investigator if authorized by the Attorney  
6 General, or any deputy county attorney if authorized by the county  
7 attorney by whom such assistant, investigator, or deputy is employed,  
8 to carry a concealed handgun while fulfilling the responsibilities of  
9 his or her employment. This subsection shall not apply to any person  
10 who is not in compliance with subsection (7) of this section.

11 (7) Any person seeking to carry a concealed handgun  
12 pursuant to subsection (6) of this section shall obtain and maintain,  
13 at his or her own expense, a permit to carry a concealed handgun  
14 under the Concealed Handgun Permit Act. In addition, such person  
15 shall complete a handgun training and safety course pursuant to  
16 section 69-2432.

17 Sec. 2. Original section 69-2441, Reissue Revised  
18 Statutes of Nebraska, is repealed.