

AMENDMENTS TO LB68

Introduced by Blood, 3.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Notwithstanding any ordinance, resolution, rule, or  
4 regulation of any political subdivision of this state, any person who is  
5 not otherwise prohibited by state or federal law from transporting,  
6 shipping, or receiving a firearm shall be entitled to transport a firearm  
7 in a motor vehicle for any lawful purpose from any place where he or she  
8 may lawfully possess and carry such firearm to any other place where he  
9 or she may lawfully possess and carry such firearm if, during such  
10 transportation, the firearm is unloaded, and neither the firearm nor any  
11 ammunition being transported is readily accessible or is directly  
12 accessible from the passenger compartment of such transporting motor  
13 vehicle. In the case of a motor vehicle without a compartment separate  
14 from the driver's compartment, the firearm or ammunition shall be  
15 contained in a locked container other than the glove compartment or  
16 console.

17           Sec. 2. Section 28-101, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           28-101 Sections 28-101 to 28-1357, 28-1418.01, 28-1429.03, and  
20 28-1601 to 28-1603 and section 1 of this act shall be known and may be  
21 cited as the Nebraska Criminal Code.

22           Sec. 3. Section 28-1201, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 1  
25 of this act, unless the context otherwise requires:

26           (1) Firearm means any weapon which is designed to or may readily be  
27 converted to expel any projectile by the action of an explosive or frame

1 or receiver of any such weapon;

2 (2) Fugitive from justice means any person who has fled or is  
3 fleeing from any peace officer to avoid prosecution or incarceration for  
4 a felony;

5 (3) Handgun means any firearm with a barrel less than sixteen inches  
6 in length or any firearm designed to be held and fired by the use of a  
7 single hand;

8 (4) Juvenile means any person under the age of eighteen years;

9 (5) Knife means any dagger, dirk, knife, or stiletto with a blade  
10 over three and one-half inches in length or any other dangerous  
11 instrument capable of inflicting cutting, stabbing, or tearing wounds;

12 (6) Knuckles and brass or iron knuckles means any instrument that  
13 consists of finger rings or guards made of a hard substance and that is  
14 designed, made, or adapted for the purpose of inflicting serious bodily  
15 injury or death by striking a person with a fist enclosed in the  
16 knuckles;

17 (7) Machine gun means any firearm, whatever its size and usual  
18 designation, that shoots automatically more than one shot, without manual  
19 reloading, by a single function of the trigger;

20 (8) School means a public, private, denominational, or parochial  
21 elementary, vocational, or secondary school, a private postsecondary  
22 career school as defined in section 85-1603, a community college, a  
23 public or private college, a junior college, or a university;

24 (9) Short rifle means a rifle having a barrel less than sixteen  
25 inches long or an overall length of less than twenty-six inches; and

26 (10) Short shotgun means a shotgun having a barrel or barrels less  
27 than eighteen inches long or an overall length of less than twenty-six  
28 inches.

29 Sec. 4. Section 28-1202, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 28-1202 (1)(a) Except as otherwise provided in this section, any

1 person who carries a weapon or weapons concealed on or about his or her  
2 person, such as a handgun, a knife, brass or iron knuckles, or any other  
3 deadly weapon, commits the offense of carrying a concealed weapon.

4 (b) It is an affirmative defense that the defendant was engaged in  
5 any lawful business, calling, or employment at the time he or she was  
6 carrying any weapon or weapons and the circumstances in which such person  
7 was placed at the time were such as to justify a prudent person in  
8 carrying the weapon or weapons for the defense of his or her person,  
9 property, or family.

10 (2) This section does not apply to a person who is:

11 (a) Carrying a firearm in compliance with section 1 of this act; or

12 (b) The ~~the~~ holder of a valid permit issued under the Concealed  
13 Handgun Permit Act if the concealed weapon the defendant is carrying is a  
14 handgun.

15 (3) Carrying a concealed weapon is a Class I misdemeanor.

16 (4) In the case of a second or subsequent conviction under this  
17 section, carrying a concealed weapon is a Class IV felony.

18 Sec. 5. Section 28-1351, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1351 (1) A person commits the offense of unlawful membership  
21 recruitment into an organization or association when he or she knowingly  
22 and intentionally coerces, intimidates, threatens, or inflicts bodily  
23 harm upon another person in order to entice that other person to join or  
24 prevent that other person from leaving any organization, group,  
25 enterprise, or association whose members, individually or collectively,  
26 engage in or have engaged in any of the following criminal acts for the  
27 benefit of, at the direction of, or on behalf of the organization, group,  
28 enterprise, or association or any of its members:

29 (a) Robbery under section 28-324;

30 (b) Arson in the first, second, or third degree under section  
31 28-502, 28-503, or 28-504, respectively;

1 (c) Burglary under section 28-507;

2 (d) Murder in the first degree, murder in the second degree, or  
3 manslaughter under section 28-303, 28-304, or 28-305, respectively;

4 (e) Violations of the Uniform Controlled Substances Act that involve  
5 possession with intent to deliver, distribution, delivery, or manufacture  
6 of a controlled substance;

7 (f) Unlawful use, possession, or discharge of a firearm or other  
8 deadly weapon under sections 28-1201 to 28-1212.04 and section 1 of this  
9 act;

10 (g) Assault in the first degree or assault in the second degree  
11 under section 28-308 or 28-309, respectively;

12 (h) Assault on an officer, an emergency responder, a state  
13 correctional employee, a Department of Health and Human Services  
14 employee, or a health care professional in the first, second, or third  
15 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
16 on an officer, an emergency responder, a state correctional employee, a  
17 Department of Health and Human Services employee, or a health care  
18 professional using a motor vehicle under section 28-931.01;

19 (i) Theft by unlawful taking or disposition under section 28-511;

20 (j) Theft by receiving stolen property under section 28-517;

21 (k) Theft by deception under section 28-512;

22 (l) Theft by extortion under section 28-513;

23 (m) Kidnapping under section 28-313;

24 (n) Any forgery offense under sections 28-602 to 28-605;

25 (o) Criminal impersonation under section 28-638;

26 (p) Tampering with a publicly exhibited contest under section  
27 28-614;

28 (q) Unauthorized use of a financial transaction device or criminal  
29 possession of a financial transaction device under section 28-620 or  
30 28-621, respectively;

31 (r) Pandering under section 28-802;

1 (s) Bribery, bribery of a witness, or bribery of a juror under  
2 section 28-917, 28-918, or 28-920, respectively;

3 (t) Tampering with a witness or an informant or jury tampering under  
4 section 28-919;

5 (u) Unauthorized application of graffiti under section 28-524;

6 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
7 against another under section 28-1005; or

8 (w) Promoting gambling in the first degree under section 28-1102.

9 (2) Unlawful membership recruitment into an organization or  
10 association is a Class IV felony.

11 Sec. 6. Original sections 28-101, 28-1201, 28-1202, and 28-1351,  
12 Reissue Revised Statutes of Nebraska, are repealed.