

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 520

Introduced by Hansen, 26.

Read first time January 18, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to firearms; to amend sections 69-2404,
2 69-2405, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422,
3 69-2424, 69-2425, 69-2429, and 69-2430, Reissue Revised Statutes of
4 Nebraska, and sections 69-2402, 69-2409, 69-2409.01, 69-2427,
5 69-2436, and 69-2439, Revised Statutes Cumulative Supplement, 2016;
6 to define terms; to require notification when a person prohibited by
7 state or federal law attempts to purchase, lease, rent, or receive
8 transfer of a handgun or apply for a permit to carry a concealed
9 handgun under the Concealed Handgun Permit Act; to require reports;
10 to eliminate an obsolete provision; to harmonize provisions; and to
11 repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2402, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 69-2402 For purposes of sections 69-2401 to 69-2425 and section 4 of
4 this act:

5 (1) Antique handgun or pistol means any handgun or pistol, including
6 those with a matchlock, flintlock, percussion cap, or similar type of
7 ignition system, manufactured in or before 1898 and any replica of such a
8 handgun or pistol if such replica (a) is not designed or redesigned for
9 using rimfire or conventional centerfire fixed ammunition or (b) uses
10 rimfire or conventional centerfire fixed ammunition which is no longer
11 manufactured in the United States and which is not readily available in
12 the ordinary channels of commercial trade;

13 (2) Commission means the Nebraska Commission on Law Enforcement and
14 Criminal Justice;

15 (3) ~~(2)~~ Criminal history record check includes a check of the
16 criminal history records of the Nebraska State Patrol and a check of the
17 Federal Bureau of Investigation's National Instant Criminal Background
18 Check System;

19 (4) ~~(3)~~ Firearm-related disability means a person is not permitted
20 to (a) purchase, possess, ship, transport, or receive a firearm under
21 either state or federal law, (b) obtain a certificate to purchase, lease,
22 rent, or receive transfer of a handgun under section 69-2404, or (c)
23 obtain a permit to carry a concealed handgun under the Concealed Handgun
24 Permit Act; ~~and~~

25 (5) ~~(4)~~ Handgun means any firearm with a barrel less than sixteen
26 inches in length or any firearm designed to be held and fired by the use
27 of a single hand; and -

28 (6) Prohibited possessor means a potential purchaser, lessee,
29 renter, or transferee of a handgun who is prohibited from purchasing or
30 possessing a handgun under state or federal law.

31 Sec. 2. Section 69-2404, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 69-2404 Any person desiring to purchase, lease, rent, or receive
3 transfer of a handgun shall apply with the chief of police or sheriff of
4 the applicant's place of residence for a certificate. The application may
5 be made in person or by mail. The application form and certificate shall
6 be made on forms approved by the Superintendent of Law Enforcement and
7 Public Safety. The application shall include the applicant's full name,
8 address, date of birth, and country of citizenship. If the applicant is
9 not a United States citizen, the application shall include the
10 applicant's place of birth and his or her alien or admission number. If
11 the application is made in person, the applicant shall also present a
12 current Nebraska motor vehicle operator's license, state identification
13 card, or military identification card, or if the application is made by
14 mail, the application form shall describe the license or card used for
15 identification and be notarized by a notary public who has verified the
16 identification of the applicant through such a license or card. An
17 applicant shall receive a certificate if he or she is twenty-one years of
18 age or older and is not a prohibited possessor ~~from purchasing or~~
19 ~~possessing a handgun by 18 U.S.C. 922.~~ A fee of five dollars shall be
20 charged for each application for a certificate to cover the cost of a
21 criminal history record check.

22 Sec. 3. Section 69-2405, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 69-2405 Upon the receipt of an application for a certificate, the
25 chief of police or sheriff shall issue a certificate or deny a
26 certificate and furnish the applicant the specific reasons for the denial
27 in writing. The chief of police or sheriff shall be permitted up to three
28 days in which to conduct an investigation to determine whether the
29 applicant is a prohibited possessor ~~by law from purchasing or possessing~~
30 ~~a handgun~~. If the certificate or denial is mailed to the applicant, it
31 shall be mailed to the applicant's address by first-class mail within the

1 three-day period. If it is determined that the purchase or possession of
2 a handgun by the applicant would be in violation of applicable federal,
3 state, or local law, the chief of police or sheriff shall deny the
4 certificate and notify the commission pursuant to section 4 of this act.
5 In computing the three-day period, the day of receipt of the application
6 shall not be included and the last day of the three-day period shall be
7 included. The three-day period shall expire at 11:59 p.m. of the third
8 day unless it is a Saturday, Sunday, or legal holiday in which event the
9 period shall run until 11:59 p.m. of the next day which is not a
10 Saturday, Sunday, or legal holiday. No later than the end of the three-
11 day period the chief of police or sheriff shall issue or deny such
12 certificate and, if the certificate is denied, furnish the applicant the
13 specific reasons for denial in writing and notify the commission pursuant
14 to section 4 of this act. No civil liability shall arise to any law
15 enforcement agency if such law enforcement agency complies with sections
16 69-2401, 69-2403 to 69-2408 and section 4 of this act, and 69-2409.01.

17 Sec. 4. (1) Upon issuing a denial under section 69-2405, the chief
18 of police or sheriff shall electronically send a copy of the application
19 under section 69-2404 and a notification of denial to the commission. The
20 notification shall include the identity of the prohibited possessor, the
21 date and time of the determination that the person was a prohibited
22 possessor, and the grounds for such determination. The notification shall
23 be sent in a form and manner prescribed by the commission.

24 (2) Within seventy-two hours of receipt of the notification of
25 denial, the commission shall:

26 (a) Evaluate whether another state or local law enforcement agency
27 or a county attorney or the United States Attorney for the District of
28 Nebraska should be alerted that a prohibited possessor has applied for a
29 certificate; and

30 (b) If the commission determines that such an agency or prosecutor
31 should be alerted, electronically send such agency or prosecutor a copy

1 of the application and the notification of denial and an explanation for
2 why an alert was deemed necessary.

3 (3) On or before July 1, 2018, and each July 1 thereafter, each
4 chief of police or sheriff who sent a notification of denial under
5 subsection (1) of this section and each law enforcement agency which
6 received a notification under subsection (2) of this section shall make a
7 written report to the commission which includes the following information
8 for each such notification for the preceding year:

9 (a) Whether the notification gave rise to an active or completed
10 investigation;

11 (b) The status of any such open investigation and the disposition of
12 any such completed investigation, including, without limitation, whether
13 the prohibited possessor was arrested, referred for prosecution, or
14 convicted of a crime in connection with the notification; and

15 (c) If the notification did not give rise to an investigation, an
16 explanation of why no investigation occurred.

17 (4) On or before July 1, 2018, and each July 1 thereafter, each
18 county attorney who received a notification under subsection (2) of this
19 section shall make a written report to the commission which includes the
20 following information for each notification for the preceding year:

21 (a) Whether the notification gave rise to an active or completed
22 investigation;

23 (b) Whether the prohibited possessor has been arrested or charged
24 with violating section 69-2408 or any other provision of state law in
25 connection with the notification and, if so, a description of the charge
26 or charges;

27 (c) The disposition of every charge filed against the prohibited
28 possessor in connection with the notification; and

29 (d) If the notification did not give rise to a criminal charge, an
30 explanation of why no charge was filed.

31 (5) On or before October 1, 2018, and each October 1 thereafter, the

1 commission shall use the reports submitted under subsections (3) and (4)
2 of this section to publish a written report detailing the following
3 information:

4 (a) The number of notifications of denial received under subsection
5 (1) of this section;

6 (b) The number of notifications sent by the commission to state and
7 local law enforcement agencies, to United States attorneys, and to county
8 attorneys pursuant to subsection (2) of this section;

9 (c) An explanation for why any notification was sent pursuant to
10 subsection (2) of this section;

11 (d) The number of investigations opened and concluded and the number
12 of referrals for prosecution;

13 (e) The number of investigations opened, by grounds for prohibited
14 possessor status;

15 (f) The number of referrals for prosecution, by grounds for
16 prohibited possessor status;

17 (g) The number of charges arising from notifications under this
18 section, by type of charge and grounds for prohibited possessor status;
19 and

20 (h) The disposition of all such charges by type of charge and
21 grounds for prohibited possessor status.

22 Sec. 5. Section 69-2409, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 69-2409 (1) It is the intent of the Legislature that the Nebraska
25 State Patrol implement an expedited program of upgrading Nebraska's
26 automated criminal history files to be utilized for, among other law
27 enforcement purposes, an instant criminal history record check on handgun
28 purchasers when buying a handgun from a licensed importer, manufacturer,
29 or dealer so that such instant criminal history record check may be
30 implemented as soon as possible on or after January 1, 1995.

31 (2) The patrol's automated arrest and conviction records shall be

1 reviewed annually by the Superintendent of Law Enforcement and Public
2 Safety who shall report the status of such records within thirty days of
3 such review to the Governor and the Clerk of the Legislature. The report
4 submitted to the Clerk of the Legislature shall be submitted
5 electronically. The instant criminal history record check system shall be
6 implemented by the patrol on or after January 1, 1995, when, as
7 determined by the Superintendent of Law Enforcement and Public Safety,
8 eighty-five percent of the Nebraska arrest and conviction records since
9 January 1, 1965, available to the patrol are included in the patrol's
10 automated system. Not less than thirty days prior to implementation and
11 enforcement of the instant check system, the patrol shall send written
12 notice to all licensed importers, manufacturers, and dealers outlining
13 the procedures and toll-free number described in sections 69-2410 to
14 69-2423.

15 (3) Upon implementation of the instant criminal history record check
16 system, a person who desires to purchase, lease, rent, or receive
17 transfer of a handgun from a licensed importer, manufacturer, or dealer
18 may elect to obtain such handgun either under sections 69-2401, 69-2403
19 to 69-2408 and section 4 of this act, and 69-2409.01 or under sections
20 69-2409.01 and 69-2410 to 69-2423.

21 Sec. 6. Section 69-2409.01, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 69-2409.01 (1) For purposes of sections 69-2401 to 69-2425 and
24 section 4 of this act, the Nebraska State Patrol shall be furnished with
25 only such information as may be necessary for the sole purpose of
26 determining whether an individual is disqualified from purchasing or
27 possessing a handgun pursuant to state law or is subject to the
28 disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information
29 shall be furnished by the Department of Health and Human Services. The
30 clerks of the various courts shall furnish to the Department of Health
31 and Human Services and Nebraska State Patrol, as soon as practicable but

1 within thirty days after an order of commitment or discharge is issued or
2 after removal of firearm-related disabilities pursuant to section 71-963,
3 all information necessary to set up and maintain the data base required
4 by this section. This information shall include (a) information regarding
5 those persons who are currently receiving mental health treatment
6 pursuant to a commitment order of a mental health board or who have been
7 discharged, (b) information regarding those persons who have been
8 committed to treatment pursuant to section 29-3702, and (c) information
9 regarding those persons who have had firearm-related disabilities removed
10 pursuant to section 71-963. The mental health board shall notify the
11 Department of Health and Human Services and the Nebraska State Patrol
12 when such disabilities have been removed. The Department of Health and
13 Human Services shall also maintain in the data base a listing of persons
14 committed to treatment pursuant to section 29-3702. To ensure the
15 accuracy of the data base, any information maintained or disclosed under
16 this subsection shall be updated, corrected, modified, or removed, as
17 appropriate, and as soon as practicable, from any data base that the
18 state or federal government maintains and makes available to the National
19 Instant Criminal Background Check System. The procedures for furnishing
20 the information shall guarantee that no information is released beyond
21 what is necessary for purposes of this section.

22 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408
23 and this section and section 4 of this act, the Nebraska State Patrol
24 shall provide to the chief of police or sheriff of an applicant's place
25 of residence or a licensee in the process of a criminal history record
26 check pursuant to section 69-2411 only the information regarding whether
27 or not the applicant is a prohibited possessor ~~disqualified from~~
28 ~~purchasing or possessing a handgun~~.

29 (3) Any person, agency, or mental health board participating in good
30 faith in the reporting or disclosure of records and communications under
31 this section is immune from any liability, civil, criminal, or otherwise,

1 that might result by reason of the action.

2 (4) Any person who intentionally causes the Nebraska State Patrol to
3 request information pursuant to this section without reasonable belief
4 that the named individual has submitted a written application under
5 section 69-2404 or has completed a consent form under section 69-2410
6 shall be guilty of a Class II misdemeanor in addition to other civil or
7 criminal liability under state or federal law.

8 (5) The Nebraska State Patrol and the Department of Health and Human
9 Services shall report electronically to the Clerk of the Legislature on a
10 biannual basis the following information about the data base: (a) The
11 number of total records of persons unable to purchase or possess firearms
12 because of disqualification or disability shared with the National
13 Instant Criminal Background Check System; (b) the number of shared
14 records by category of such persons; (c) the change in number of total
15 shared records and change in number of records by category from the
16 previous six months; (d) the number of records existing but not able to
17 be shared with the National Instant Criminal Background Check System
18 because the record was incomplete and unable to be accepted by the
19 National Instant Criminal Background Check System; and (e) the number of
20 hours or days, if any, during which the data base was unable to share
21 records with the National Instant Criminal Background Check System and
22 the reason for such inability. The report shall also be published on the
23 web sites of the Nebraska State Patrol and the Department of Health and
24 Human Services.

25 Sec. 7. Section 69-2410, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18
28 U.S.C. 923 shall sell or deliver any handgun to another person other than
29 a licensed importer, manufacturer, dealer, or collector until he or she
30 has:

31 (1)(a) Inspected a valid certificate issued to such person pursuant

1 to sections 69-2401, 69-2403 to 69-2408 and section 4 of this act, and
2 69-2409.01; and

3 (b) Inspected a valid identification containing a photograph of such
4 person which appropriately and completely identifies such person; or

5 (2)(a) Obtained a completed consent form from the potential buyer or
6 transferee, which form shall be established by the Nebraska State Patrol
7 and provided by the licensed importer, manufacturer, or dealer. The form
8 shall include the name, address, date of birth, gender, race, and country
9 of citizenship of such potential buyer or transferee. If the potential
10 buyer or transferee is not a United States citizen, the completed consent
11 form shall contain the potential buyer's or transferee's place of birth
12 and his or her alien or admission number;

13 (b) Inspected a valid identification containing a photograph of the
14 potential buyer or transferee which appropriately and completely
15 identifies such person;

16 (c) Requested by toll-free telephone call or other electromagnetic
17 communication that the Nebraska State Patrol conduct a criminal history
18 record check; and

19 (d) Received a unique approval number for such inquiry from the
20 Nebraska State Patrol indicating the date and number on the consent form.

21 Sec. 8. Section 69-2411, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 69-2411 (1) Upon receipt of a request for a criminal history record
24 check, the Nebraska State Patrol shall as soon as possible during the
25 licensee's telephone call or by return telephone call:

26 (a) Check its criminal history records and check the Federal Bureau
27 of Investigation's National Instant Criminal Background Check System to
28 determine if the potential buyer or transferee is a prohibited possessor
29 ~~from receipt or possession of a handgun pursuant to state or federal law;~~
30 and

31 (b) Either (i) inform the licensee that its records demonstrate that

1 the potential buyer or transferee is a prohibited possessor ~~from receipt~~
2 ~~or possession of a handgun~~ or (ii) provide the licensee with a unique
3 approval number.

4 (2) In the event of electronic failure or similar emergency beyond
5 the control of the Nebraska State Patrol, the patrol shall immediately
6 notify a requesting licensee of the reason for and estimated length of
7 such delay. In any event, no later than the end of the next business day
8 the Nebraska State Patrol shall either (a) inform the licensee that its
9 records demonstrate that the potential buyer or transferee is a
10 prohibited possessor ~~from receipt or possession of a handgun~~ or (b)
11 provide the licensee with a unique approval number. If the licensee is
12 not informed by the end of the next business day that the potential buyer
13 is a prohibited possessor ~~from receipt or possession of a handgun~~, and
14 regardless of whether the unique approval number has been received, the
15 licensee may complete the sale or delivery and shall not be deemed to be
16 in violation of sections 69-2410 to 69-2423 with respect to such sale or
17 delivery.

18 (3) A fee of three dollars shall be charged for each request of a
19 criminal history record check required pursuant to section 69-2410, which
20 amount shall be transmitted monthly to the Nebraska State Patrol. Such
21 amount shall be for the purpose of covering the costs of the criminal
22 history record check.

23 Sec. 9. Section 69-2412, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 69-2412 (1) Any records which are created by the Nebraska State
26 Patrol to conduct the criminal history record check containing any of the
27 information set forth in subdivision (2)(a) of section 69-2410 pertaining
28 to a potential buyer or transferee who is not a prohibited possessor ~~from~~
29 ~~receipt or transfer of a handgun by reason of state or federal law~~ shall
30 be confidential and may not be disclosed by the patrol or any officer or
31 employee thereof to any person. The Nebraska State Patrol shall destroy

1 any such records as soon as possible after communicating the unique
2 approval number, and in any event, such records shall be destroyed within
3 forty-eight hours after the date of receipt of the licensee's request.

4 (2) Notwithstanding the provisions of this section, the Nebraska
5 State Patrol shall only maintain a log of dates of requests for criminal
6 history record checks and unique approval numbers corresponding to such
7 dates for not to exceed one year.

8 (3) Nothing in this section shall be construed to allow the state to
9 maintain records containing the names of licensees who receive unique
10 approval numbers or to maintain records of handgun transactions,
11 including the names or other identification of licensees and potential
12 buyers or transferees including persons who are not otherwise prohibited
13 possessors by law from the receipt or possession of handguns.

14 Sec. 10. Section 69-2414, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 69-2414 Any person who is denied the right to purchase or receive a
17 handgun as a result of procedures established by sections 69-2410 to
18 69-2423 may request amendment of the record pertaining to him or her by
19 petitioning the Nebraska State Patrol. If the Nebraska State Patrol fails
20 to amend the record within seven days, the person requesting the
21 amendment may petition the county court of the county in which he or she
22 resides for an order directing the patrol to amend the record. If the
23 person proves by a preponderance of the evidence that the record should
24 be amended, the court shall order the record be amended. If the record
25 demonstrates that such person is not a prohibited possessor from receipt
26 or possession of a handgun by state or federal law, the Nebraska State
27 Patrol shall destroy any records it maintains which contain any
28 information derived from the criminal history record check.

29 Sec. 11. Section 69-2421, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 69-2421 Any licensed importer, manufacturer, or dealer who knowingly

1 and intentionally sells or delivers a handgun in violation of sections
2 69-2401 to 69-2425 and section 4 of this act shall be guilty of a Class
3 IV felony.

4 Sec. 12. Section 69-2422, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 69-2422 For purposes of sections 69-2401 to 69-2425 and section 4 of
7 this act, any person who knowingly and intentionally obtains a handgun
8 for the purposes of transferring it to a ~~person who is prohibited~~
9 ~~possessor from receipt or possession of a handgun by state or federal law~~
10 shall be guilty of a Class IV felony.

11 Sec. 13. Section 69-2424, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 69-2424 The Nebraska State Patrol shall adopt and promulgate rules
14 and regulations to carry out sections 69-2401 to 69-2425 and section 4 of
15 this act.

16 Sec. 14. Section 69-2425, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 69-2425 Any city or village ordinance existing on September 6, 1991,
19 shall not be preempted by sections 69-2401 to 69-2425 and section 4 of
20 this act.

21 Sec. 15. Section 69-2427, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 69-2427 Sections 69-2427 to 69-2449 and section 20 of this act shall
24 be known and may be cited as the Concealed Handgun Permit Act.

25 Sec. 16. Section 69-2429, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 69-2429 For purposes of the Concealed Handgun Permit Act:

28 (1) Commission means the Nebraska Commission on Law Enforcement and
29 Criminal Justice;

30 (2) (1) Concealed handgun means the handgun is totally hidden from
31 view. If any part of the handgun is capable of being seen, it is not a

1 concealed handgun;

2 (3) (2) Emergency services personnel means a volunteer or paid
3 firefighter or rescue squad member or a person licensed to provide
4 emergency medical services pursuant to the Emergency Medical Services
5 Practice Act;

6 (4) (3) Handgun means any firearm with a barrel less than sixteen
7 inches in length or any firearm designed to be held and fired by the use
8 of a single hand;

9 (5) (4) Peace officer means any town marshal, chief of police or
10 local police officer, sheriff or deputy sheriff, the Superintendent of
11 Law Enforcement and Public Safety, any officer of the Nebraska State
12 Patrol, any member of the National Guard on active service by direction
13 of the Governor during periods of emergency or civil disorder, any Game
14 and Parks Commission conservation officer, and all other persons with
15 similar authority to make arrests;

16 (6) (5) Permitholder means an individual holding a current and valid
17 permit to carry a concealed handgun issued pursuant to the Concealed
18 Handgun Permit Act; ~~and~~

19 (7) Prohibited possessor means a person who is prohibited from
20 purchasing or possessing a handgun under state or federal law; and

21 (8) (6) Proof of training means an original document or certified
22 copy of a document, supplied by an applicant, that certifies that he or
23 she either:

24 (a) Within the previous three years, has successfully completed a
25 handgun training and safety course approved by the Nebraska State Patrol
26 pursuant to section 69-2432; or

27 (b) Is a member of the active or reserve armed forces of the United
28 States or a member of the National Guard and has had handgun training
29 within the previous three years which meets the minimum safety and
30 training requirements of section 69-2432.

31 Sec. 17. Section 69-2430, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 69-2430 (1) Application for a permit to carry a concealed handgun
3 shall be made in person at any Nebraska State Patrol Troop Headquarters
4 or office provided by the patrol for purposes of accepting such an
5 application. The applicant shall present a current Nebraska motor vehicle
6 operator's license, Nebraska-issued state identification card, or
7 military identification card and shall submit two legible sets of
8 fingerprints for a criminal history record information check pursuant to
9 section 69-2431. The application shall be made on a form prescribed by
10 the Superintendent of Law Enforcement and Public Safety. The application
11 shall state the applicant's full name, motor vehicle operator's license
12 number or state identification card number, address, and date of birth
13 and contain the applicant's signature and shall include space for the
14 applicant to affirm that he or she meets each and every one of the
15 requirements set forth in section 69-2433. The applicant shall attach to
16 the application proof of training and proof of vision as required in
17 subdivision (3) of section 69-2433.

18 (2) A person applying for a permit to carry a concealed handgun who
19 gives false information or offers false evidence of his or her identity
20 is guilty of a Class IV felony.

21 ~~(3)(a) Until January 1, 2010, the permit to carry a concealed~~
22 ~~handgun shall be issued by the Nebraska State Patrol within five business~~
23 ~~days after completion of the applicant's criminal history record~~
24 ~~information check, if the applicant has complied with this section and~~
25 ~~has met all the requirements of section 69-2433.~~

26 (3) The Nebraska State Patrol shall issue ~~(b) Beginning January 1,~~
27 ~~2010,~~ the permit to carry a concealed handgun shall be issued by the
28 Nebraska State Patrol within forty-five days after the date an
29 application for the permit has been made by the applicant if the
30 applicant has complied with this section and has met all the requirements
31 of section 69-2433.

1 (4) An applicant denied a permit to carry a concealed handgun may
2 appeal to the district court of the judicial district of the county in
3 which he or she resides or the county in which he or she applied for the
4 permit pursuant to the Administrative Procedure Act.

5 (5) If the Nebraska State Patrol denies an application for a permit
6 because the applicant is a prohibited possessor, the patrol shall, upon
7 issuing such denial, electronically send a notification of prohibited
8 possessor to the commission pursuant to section 20 of this act.

9 Sec. 18. Section 69-2436, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 69-2436 (1) A permit to carry a concealed handgun is valid
12 throughout the state for a period of five years after the date of
13 issuance. The fee for issuing a permit is one hundred dollars.

14 (2) The Nebraska State Patrol shall renew a person's permit to carry
15 a concealed handgun for a renewal period of five years, subject to
16 continuing compliance with the requirements of section 69-2433, except as
17 provided in subsection (4) of section 69-2443. The renewal fee is fifty
18 dollars, and renewal may be applied for up to four months before
19 expiration of a permit to carry a concealed handgun.

20 (3) The applicant shall submit the fee with the application to the
21 Nebraska State Patrol. The fee shall be remitted to the State Treasurer
22 for credit to the Nebraska State Patrol Cash Fund.

23 (4) On or before June 30, 2007, the Nebraska State Patrol shall
24 journal entry, as necessary, all current fiscal year expenses and
25 revenue, including investment income, from the Public Safety Cash Fund
26 under the Concealed Handgun Permit Act and recode them against the
27 Nebraska State Patrol Cash Fund and its program appropriation.

28 (5) If the Nebraska State Patrol denies an application for a renewal
29 because the applicant is a prohibited possessor, the patrol shall, upon
30 issuing such denial, electronically send a notification of prohibited
31 possessor to the commission pursuant to section 20 of this act.

1 Sec. 19. Section 69-2439, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 69-2439 (1) Any peace officer having probable cause to believe that
4 a permitholder is no longer in compliance with one or more requirements
5 of section 69-2433, except as provided in subsection (4) of section
6 69-2443, shall bring an application for revocation of the permit to be
7 prosecuted as provided in subsection (2) of this section and
8 electronically send a notification of prohibited possessor to the
9 commission pursuant to section 20 of this act.

10 (2) It is the duty of the county attorney or his or her deputy of
11 the county in which such permitholder resides to prosecute a case for the
12 revocation of a permit to carry a concealed handgun brought pursuant to
13 subsection (1) of this section. In case the county attorney refuses or is
14 unable to prosecute the case, the duty to prosecute shall be upon the
15 Attorney General or his or her assistant.

16 (3) The case shall be prosecuted as a civil case, and the permit
17 shall be revoked upon a showing by a preponderance of the evidence that
18 the permitholder does not meet one or more of the requirements of section
19 69-2433, except as provided in subsection (4) of section 69-2443.

20 (4) A person who has his or her permit revoked under this section
21 may be fined up to one thousand dollars and shall be charged with the
22 costs of the prosecution. The money collected under this subsection as an
23 administrative fine shall be remitted to the State Treasurer for
24 distribution in accordance with Article VII, section 5, of the
25 Constitution of Nebraska.

26 (5) If a permit is revoked under subsection (3) of this section
27 because the permitholder is found to be a prohibited possessor the
28 attorney who prosecuted the case shall electronically send a notification
29 of prohibited possessor to the commission. If the county attorney refused
30 or was unable to prosecute the case, the Attorney General shall report
31 such fact to the commission, along with any explanation for why the

1 county attorney refused or was unable to prosecute the case.

2 Sec. 20. (1) A notification of prohibited possessor that is
3 required under section 69-2430, 69-2436, or 69-2439 shall be sent in a
4 form and in a manner prescribed by the commission. The notification shall
5 include the identity of the prohibited possessor, the date and time of
6 the determination that the person was a prohibited possessor, the grounds
7 for such determination, a copy of the person's application under section
8 69-2430, any application for renewal under section 69-2436, a copy of any
9 relevant orders, judgments, or filings from any proceeding under section
10 69-2439, and any other information deemed relevant by the commission.

11 (2) Within seventy-two hours of receipt of the notification of
12 prohibited possessor, the commission shall:

13 (a) Evaluate whether another state or local law enforcement agency
14 or a county attorney or the United States Attorney for the District of
15 Nebraska should be alerted about the prohibited possessor; and

16 (b) If the commission determines that such an agency or prosecutor
17 should be alerted, electronically send such agency or prosecutor the
18 notification of prohibited possessor, any other documents or information
19 received under subsection (1) of this section and an explanation of why
20 the commission deemed the alert necessary.

21 (3) On or before July 1, 2018, and each July 1 thereafter, each law
22 enforcement agency which received a notification under subsection (2) of
23 this section shall make a written report to the commission which includes
24 the following information for each notification for the preceding year:

25 (a) Whether the notification gave rise to an active or completed
26 investigation;

27 (b) The status of any such open investigation and the disposition of
28 any such completed investigation, including, without limitation, whether
29 the prohibited possessor was arrested, referred for prosecution, or
30 convicted of a crime in connection with the notification; and

31 (c) If the notification did not give rise to an investigation, an

1 explanation of why no investigation occurred.

2 (4) On or before July 1, 2018, and each July 1 thereafter, each
3 county attorney who received a notification under subdivision (2)(a) of
4 this section shall make a written report to the commission which includes
5 the following information for each notification for the preceding year:

6 (a) Whether the notification gave rise to an active or completed
7 investigation;

8 (b) Whether the prohibited possessor has been arrested or charged
9 with violating subsection (2) of section 69-2430 or any other provision
10 of state law in connection with the notification and, if so, a
11 description of the charge or charges;

12 (c) The disposition of every charge filed against the prohibited
13 possessor in connection with the notification; and

14 (d) If the notification did not give rise to a criminal charge, an
15 explanation of why no charge was filed.

16 (5) On or before October 1, 2018, and each October 1 thereafter, the
17 commission shall use the reports submitted under subsections (3) and (4)
18 of this section to publish a written report detailing the following
19 information:

20 (a) The number of notifications of prohibited possessor received
21 pursuant to section 69-2430, 69-2436, or 69-2439;

22 (b) The number of notifications sent by the commission to state and
23 local law enforcement agencies, to United States attorneys, and to county
24 attorneys pursuant to subsection (2) of this section;

25 (c) An explanation for why any notification was sent pursuant to
26 subsection (2) of this section;

27 (d) A copy of any reports from the Attorney General under subsection
28 (5) of section 69-2439 and the number of such reports received;

29 (e) The number of investigations opened and concluded and the number
30 of referrals for prosecution;

31 (f) The number of investigations opened, by grounds for prohibited

1 possessor status;

2 (g) The number of referrals for prosecution, by grounds for
3 prohibited possessor status;

4 (h) The number of charges arising from notifications of prohibited
5 possessor, by type of charge and grounds for prohibited possessor status;
6 and

7 (i) The disposition of all such charges by type of charge and
8 grounds for prohibited possessor status.

9 Sec. 21. Original sections 69-2404, 69-2405, 69-2410, 69-2411,
10 69-2412, 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2429, and
11 69-2430, Reissue Revised Statutes of Nebraska, and sections 69-2402,
12 69-2409, 69-2409.01, 69-2427, 69-2436, and 69-2439, Revised Statutes
13 Cumulative Supplement, 2016, are repealed.