

AMENDMENTS TO LB816

Introduced by McCollister, 20.

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

3           Section 1. Section 69-2402, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           69-2402 For purposes of sections 69-2401 to 69-2425 and section 8 of  
6 this act:

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

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

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

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

1           Sec. 2. Section 69-2404, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

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

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

25           69-2405 (1) Upon the receipt of an application for a certificate,  
26 the chief of police or sheriff shall issue a certificate or deny a  
27 certificate and furnish the applicant the specific reasons for the denial  
28 in writing. The chief of police or sheriff shall be permitted up to five  
29 ~~three~~ days in which to conduct an investigation to determine whether the  
30 applicant is prohibited by law from purchasing or possessing a handgun.  
31 If the certificate or denial is mailed to the applicant, it shall be

1 mailed to the applicant's address by first-class mail within the five-day  
2 three-day period but no sooner than forty-eight hours after receipt of  
3 the application. If it is determined that the purchase or possession of a  
4 handgun by the applicant would be in violation of applicable federal,  
5 state, or local law, the chief of police or sheriff shall deny the  
6 certificate.

7 (2) In computing the five-day ~~three-day~~ period, the day of receipt  
8 of the application shall not be included and the last day of the five-day  
9 ~~three-day~~ period shall be included. The five-day ~~three-day~~ period shall  
10 expire at 11:59 p.m. of the fifth ~~third~~ day unless it is a Saturday,  
11 Sunday, or legal holiday in which event the period shall run until 11:59  
12 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.

13 (3)(a) Subject to subdivision (3)(b) of this, no ~~no~~ later than the  
14 end of the five-day ~~three-day~~ period the chief of police or sheriff shall  
15 issue or deny such certificate and, if the certificate is denied, furnish  
16 the applicant the specific reasons for denial in writing.

17 (b) A certificate shall not be issued sooner than forty-eight hours  
18 after receipt of the application.

19 (4) When issuing any certificate under this section, the chief of  
20 police or sheriff shall include with the certificate informational  
21 materials regarding suicide prevention and firearm safety. Such materials  
22 shall provide evidence-based information aligned with best practices in  
23 suicide prevention.

24 (5) No civil liability shall arise to any law enforcement agency if  
25 such law enforcement agency complies with sections 69-2401, 69-2403 to  
26 69-2408, and 69-2409.01.

27 Sec. 4. Section 69-2406, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 69-2406 Any person who is denied a certificate, whose certificate is  
30 revoked, or who has not been issued a certificate upon expiration of the  
31 five-day ~~three-day~~ period in section 69-2405 may appeal ~~within ten days~~

1 ~~of receipt of the denial or revocation~~ to the county court of the county  
2 of the applicant's place of residence. The appeal shall be filed within  
3 ten days after receipt of the denial or revocation or, in the case of a  
4 certificate not issued within the five-day period in section 69-2405,  
5 within ten days after expiration of such period. The applicant shall file  
6 with the court the specific reasons for the denial or revocation by the  
7 chief of police or sheriff and pay a filing fee of ten dollars in lieu of  
8 any other filing fee required by law. The court shall issue its decision  
9 within thirty days of the filing of the appeal.

10 Sec. 5. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 69-2409.01 (1) For purposes of sections 69-2401 to 69-2425 and  
13 section 8 of this act, the Nebraska State Patrol shall be furnished with  
14 only such information as may be necessary for the sole purpose of  
15 determining whether an individual is disqualified from purchasing or  
16 possessing a handgun pursuant to state law or is subject to the  
17 disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information  
18 shall be furnished by the Department of Health and Human Services. The  
19 clerks of the various courts shall furnish to the Department of Health  
20 and Human Services and Nebraska State Patrol, as soon as practicable but  
21 within thirty days after an order of commitment or discharge is issued or  
22 after removal of firearm-related disabilities pursuant to section 71-963,  
23 all information necessary to set up and maintain the data base required  
24 by this section. This information shall include (a) information regarding  
25 those persons who are currently receiving mental health treatment  
26 pursuant to a commitment order of a mental health board or who have been  
27 discharged, (b) information regarding those persons who have been  
28 committed to treatment pursuant to section 29-3702, and (c) information  
29 regarding those persons who have had firearm-related disabilities removed  
30 pursuant to section 71-963. The mental health board shall notify the  
31 Department of Health and Human Services and the Nebraska State Patrol

1 when such disabilities have been removed. The Department of Health and  
2 Human Services shall also maintain in the data base a listing of persons  
3 committed to treatment pursuant to section 29-3702. To ensure the  
4 accuracy of the data base, any information maintained or disclosed under  
5 this subsection shall be updated, corrected, modified, or removed, as  
6 appropriate, and as soon as practicable, from any data base that the  
7 state or federal government maintains and makes available to the National  
8 Instant Criminal Background Check System. The procedures for furnishing  
9 the information shall guarantee that no information is released beyond  
10 what is necessary for purposes of this section.

11 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408  
12 and this section, the Nebraska State Patrol shall provide to the chief of  
13 police or sheriff of an applicant's place of residence or a licensee in  
14 the process of a criminal history record check pursuant to section  
15 69-2411 only the information regarding whether or not the applicant is  
16 disqualified from purchasing or possessing a handgun.

17 (3) Any person, agency, or mental health board participating in good  
18 faith in the reporting or disclosure of records and communications under  
19 this section is immune from any liability, civil, criminal, or otherwise,  
20 that might result by reason of the action.

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

27 (5) The Nebraska State Patrol and the Department of Health and Human  
28 Services shall report electronically to the Clerk of the Legislature on a  
29 biannual basis the following information about the data base: (a) The  
30 number of total records of persons unable to purchase or possess firearms  
31 because of disqualification or disability shared with the National

1 Instant Criminal Background Check System; (b) the number of shared  
2 records by category of such persons; (c) the change in number of total  
3 shared records and change in number of records by category from the  
4 previous six months; (d) the number of records existing but not able to  
5 be shared with the National Instant Criminal Background Check System  
6 because the record was incomplete and unable to be accepted by the  
7 National Instant Criminal Background Check System; and (e) the number of  
8 hours or days, if any, during which the data base was unable to share  
9 records with the National Instant Criminal Background Check System and  
10 the reason for such inability. The report shall also be published on the  
11 web sites of the Nebraska State Patrol and the Department of Health and  
12 Human Services.

13 Sec. 6. Section 69-2421, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 69-2421 Any licensed importer, manufacturer, or dealer who knowingly  
16 and intentionally sells or delivers a handgun in violation of sections  
17 69-2401 to 69-2425 and section 8 of this act shall be guilty of a Class  
18 IV felony.

19 Sec. 7. Section 69-2422, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 69-2422 For purposes of sections 69-2401 to 69-2425 and section 8 of  
22 this act, any person who knowingly and intentionally obtains a handgun  
23 for the purposes of transferring it to a person who is prohibited from  
24 receipt or possession of a handgun by state or federal law shall be  
25 guilty of a Class IV felony.

26 Sec. 8. (1) At any gun show there shall be present a dealer  
27 licensed pursuant to 18 U.S.C. 923. Any sale, purchase, or other transfer  
28 of a handgun occurring at the gun show shall be reviewed or conducted by  
29 the dealer to ensure compliance with sections 69-2401 to 69-2425 and  
30 section 8 of this act.

31 (2) A person selling, purchasing, or otherwise transferring a

1 handgun who does not comply with subsection (1) of this section shall be  
2 guilty of a Class I misdemeanor. As a part of the judgment of conviction,  
3 the court may order the confiscation of the handgun.

4 (3) A person sponsoring, organizing, or managing a gun show that  
5 does not comply with subsection (1) of this section shall be guilty of a  
6 Class IV felony.

7 (4) For purposes of this section, gun show means any event at which  
8 fifty or more firearms are offered or exhibited for sale, exchange, or  
9 transfer. The term gun show does not include an offer or exhibit of  
10 firearms for sale, exchange, or transfer by an individual from the  
11 personal collection of that individual, at the private residence of that  
12 individual, if the individual is not required to be licensed under 18  
13 U.S.C. 923, as such section existed on January 1, 2020.

14 Sec. 9. Section 69-2424, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 69-2424 The Nebraska State Patrol shall adopt and promulgate rules  
17 and regulations to carry out sections 69-2401 to 69-2425 and section 8 of  
18 this act.

19 Sec. 10. Section 69-2425, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 69-2425 Any city or village ordinance existing on September 6, 1991,  
22 shall not be preempted by sections 69-2401 to 69-2425 and section 8 of  
23 this act.

24 Sec. 11. Section 69-2426, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923:

27 (a) ~~Shall Dealers of firearms shall~~ distribute to all firearm  
28 purchasers information developed by the Department of Health and Human  
29 Services regarding the dangers of leaving loaded firearms unattended  
30 around children; and -

31 (b) May distribute to any firearm purchaser other informational

1 materials regarding suicide prevention and firearm safety, including  
2 materials that provide evidence-based information aligned with best  
3 practices in suicide prevention.

4 (2) There is hereby created the Firearm Information Fund. Private  
5 contributions shall be credited by the State Treasurer to such fund for  
6 the implementation of the provisions of this section.

7 Sec. 12. Section 69-2432, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 69-2432 (1) The Nebraska State Patrol shall prepare and publish  
10 minimum training and safety requirements for and adopt and promulgate  
11 rules and regulations governing handgun training and safety courses and  
12 handgun training and safety course instructors. Minimum safety and  
13 training requirements for a handgun training and safety course shall  
14 include, but not be limited to:

- 15 (a) Knowledge and safe handling of a handgun;
- 16 (b) Knowledge and safe handling of handgun ammunition;
- 17 (c) Safe handgun shooting fundamentals;
- 18 (d) A demonstration of competency with a handgun with respect to the  
19 minimum safety and training requirements;
- 20 (e) Knowledge of federal, state, and local laws pertaining to the  
21 purchase, ownership, transportation, and possession of handguns;
- 22 (f) Knowledge of federal, state, and local laws pertaining to the  
23 use of a handgun, including, but not limited to, use of a handgun for  
24 self-defense and laws relating to justifiable homicide and the various  
25 degrees of assault;
- 26 (g) Knowledge of ways to avoid a criminal attack and to defuse or  
27 control a violent confrontation;~~and~~
- 28 (h) Knowledge of proper storage practices for handguns and  
29 ammunition, including storage practices which would reduce the  
30 possibility of accidental injury to a child; and -
- 31 (i) Suicide prevention training. Such training shall consist of



1 evidenced-based information aligned with best practices in suicide  
2 prevention.

3 (2) A person or entity conducting a handgun training and safety  
4 course and the course instructors shall be approved by the patrol before  
5 operation. The patrol shall issue a certificate evidencing its approval.

6 (3) A certificate of completion of a handgun training and safety  
7 course shall be issued by the person or entity conducting a handgun  
8 training and safety course to persons successfully completing the course.  
9 The certificate of completion shall also include certification from the  
10 instructor that the person completing the course does not suffer from a  
11 readily discernible physical infirmity that prevents the person from  
12 safely handling a handgun.

13 (4) Any fee for participation in a handgun training and safety  
14 course is the responsibility of the applicant.

15 Sec. 13. Original sections 69-2402, 69-2404, 69-2405, 69-2406,  
16 69-2409.01, 69-2421, 69-2422, 69-2424, 69-2425, 69-2426, and 69-2432,  
17 Reissue Revised Statutes of Nebraska, are repealed.