

AMENDMENTS TO LB236

Introduced by Government, Military and Veterans Affairs.

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

3 Section 1. Section 23-187, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 23-187 (1) In addition to the powers granted by section 23-104, a
6 county may, in the manner specified by sections 23-187 to 23-193,
7 regulate the following subjects by ordinance:

8 (a) Parking of motor vehicles on public roads, highways, and rights-
9 of-way as it pertains to snow removal for and access by emergency
10 vehicles to areas within the county;

11 (b) Motor vehicles as defined in section 60-339 that are abandoned
12 on public or private property;

13 (c) Low-speed vehicles as described and operated pursuant to section
14 60-6,380;

15 (d) Golf car vehicles as described and operated pursuant to section
16 60-6,381;

17 (e) Graffiti on public or private property;

18 (f) False alarms from electronic security systems that result in
19 requests for emergency response from law enforcement or other emergency
20 responders;

21 (g) Violation of the public peace and good order of the county by
22 disorderly conduct, lewd or lascivious behavior, or public nudity;

23 (h) Peddlers, hawkers, or solicitors operating for commercial
24 purposes. If a county adopts an ordinance under this subdivision, the
25 ordinance shall provide for registration of any such peddler, hawker, or
26 solicitor without any fee and allow the operation or conduct of any
27 registered peddler, hawker, or solicitor in all areas of the county where

1 the county has jurisdiction and where a city or village has not otherwise
2 regulated such operation or conduct; and

3 (i) Operation of vehicles on any highway or restrictions on the
4 weight of vehicles pursuant to section 60-681.

5 (2) In addition to the powers granted by section 23-104, a county
6 which does not contain a city of the metropolitan class or city of the
7 primary class may, in the manner specified by sections 23-187 to 23-193,
8 and after receiving advice and counsel from the county sheriff, enact an
9 ordinance authorizing the carrying of concealed weapons for all persons
10 not otherwise prohibited from possessing or carrying such weapons under
11 state or federal law.

12 (3) Whenever any person who is carrying a concealed weapon in a
13 county that has authorized the carrying of a concealed weapon pursuant to
14 subsection (2) of this section is contacted by a peace officer or by
15 emergency services personnel, the person shall immediately inform the
16 peace officer or emergency services personnel that such person is
17 carrying a concealed weapon.

18 (4) ~~(2)~~ For the enforcement of any ordinance authorized by this
19 section, a county may impose fines, forfeitures, or penalties and provide
20 for the recovery, collection, and enforcement of such fines, forfeitures,
21 or penalties. A county may also authorize such other measures for the
22 enforcement of ordinances as may be necessary and proper. A fine enacted
23 pursuant to this section shall not exceed five hundred dollars for each
24 offense.

25 Sec. 2. Section 28-1202, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-1202 (1)(a) Except as otherwise provided in this section, any
28 person who carries a weapon or weapons concealed on or about his or her
29 person, such as a handgun, a knife, brass or iron knuckles, or any other
30 deadly weapon, commits the offense of carrying a concealed weapon.

31 (b) It is an affirmative defense that the defendant was engaged in

1 any lawful business, calling, or employment at the time he or she was
2 carrying any weapon or weapons and the circumstances in which such person
3 was placed at the time were such as to justify a prudent person in
4 carrying the weapon or weapons for the defense of his or her person,
5 property, or family.

6 (2) This section does not apply to a person who is the holder of a
7 valid permit issued under the Concealed Handgun Permit Act if the
8 concealed weapon the defendant is carrying is a handgun.

9 (3) This section does not apply to a person carrying a concealed
10 weapon in a county that has authorized the carrying of a concealed weapon
11 pursuant to section 23-187, if the person is not otherwise prohibited
12 from possessing or carrying such weapon under state or federal law.

13 (4) ~~(3)~~ Carrying a concealed weapon is a Class I misdemeanor.

14 (5) ~~(4)~~ In the case of a second or subsequent conviction under this
15 section, carrying a concealed weapon is a Class IV felony.

16 Sec. 3. Section 69-2428, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 69-2428 An individual may obtain a permit to carry a concealed
19 handgun in accordance with the Concealed Handgun Permit Act. Such permit
20 shall not be required in order to carry a concealed handgun in counties
21 that have authorized the carrying of a concealed weapon pursuant to
22 section 23-187.

23 Sec. 4. Original sections 28-1202 and 69-2428, Reissue Revised
24 Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative
25 Supplement, 2020, are repealed.