

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 236

Introduced by Brewer, 43; Clements, 2; Erdman, 47; Slama, 1.

Read first time January 11, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to counties; to amend sections 23-104,
2 28-1202, and 69-2428, Reissue Revised Statutes of Nebraska; to give
3 counties the power to authorize the carrying of concealed weapons as
4 prescribed; to harmonize provisions; and to repeal the original
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-104, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-104 Each county shall have power to:

4 (1) Purchase ~~To purchase~~ and hold the real and personal estate
5 necessary for the use of the county;

6 (2) Purchase ~~to purchase~~, lease, lease with option to buy, acquire
7 by gift or devise, and hold for the benefit of the county real estate
8 sold by virtue of judicial proceedings in which the county is plaintiff
9 or is interested;

10 (3) Hold ~~to hold~~ all real estate conveyed by general warranty deed
11 to trustees in which the county is the beneficiary, whether the real
12 estate is situated in the county so interested or in some other county or
13 counties of the state;

14 (4) Sell ~~to sell~~, convey, exchange, or lease any real or personal
15 estate owned by the county in such manner and upon such terms and
16 conditions as may be deemed in the best interest of the county;

17 (5) Enter ~~to enter~~ into compacts with other counties to exercise and
18 carry out powers possessed by or conferred by law upon each county
19 separately; ~~and~~

20 (6) Make ~~to make~~ all contracts and to do all other acts in relation
21 to the property and concerns of the county necessary to the exercise of
22 its corporate powers, except that no lease agreement for the rental of
23 equipment shall be entered into if the consideration for all lease
24 agreements for the fiscal year exceeds one-tenth of one percent of the
25 total taxable value of the taxable property of the county; and ~~-~~

26 (7) Authorize the carrying of concealed weapons for all persons not
27 otherwise prohibited from possessing or carrying such weapons under state
28 or federal law.

29 Sec. 2. 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 the holder of a
11 valid permit issued under the Concealed Handgun Permit Act if the
12 concealed weapon the defendant is carrying is a handgun.

13 (3) This section does not apply to a person carrying a concealed
14 weapon in a county that has authorized the carrying of a concealed weapon
15 pursuant to section 23-104, if the person is not otherwise prohibited
16 from possessing or carrying such weapon under state or federal law.

17 (4) (3) Carrying a concealed weapon is a Class I misdemeanor.

18 (5) (4) In the case of a second or subsequent conviction under this
19 section, carrying a concealed weapon is a Class IV felony.

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

22 69-2428 An individual may obtain a permit to carry a concealed
23 handgun in accordance with the Concealed Handgun Permit Act. Such permit
24 shall not be required in order to carry a concealed handgun in counties
25 that have authorized the carrying of a concealed weapon pursuant to
26 section 23-104.

27 Sec. 4. Original sections 23-104, 28-1202, and 69-2428, Reissue
28 Revised Statutes of Nebraska, are repealed.