

LATHROP: Good afternoon. For those of you that are new and it looks like there's a lot of new faces here, I read something that kind of gives some of the rules of how we're going to conduct the hearing today. These are standard rules. And so if you have any, I guess this really isn't a question and answer with the committee, but I think it'll be self-explanatory. Welcome to the Judiciary Committee. My name is Steve Lathrop. I represent Legislative District 12 in Omaha, and I chair this Judiciary Committee. OK, first thing we're going to say is silence your cell phones, OK? Committee hearings are an important part of the legislative process and provide an important opportunity for legislators to receive input from Nebraskans. If you plan to testify today, you'll find yellow testifier sheets on the table inside the doors, and that's a table right over here by this pillar. Fill out a yellow testifier sheet only if you are actually testifying before the committee and please print legibly. Hand the yellow testifier sheet to the page as you come forward to testify. There is also a white sheet on the table if you do not wish to testify, but would like to record your position on a bill. This sheet will be included as an exhibit in the official hearing record. If you are not testifying in person on a bill and would like to submit a position letter for the official record, all committees have a deadline of 12 noon the last workday before the hearing. Please note that any-- that there is a change this year and your position letters will be included in the official record. They must be submitted to the Legislature by way of the Legislature's website which is NebraskaLegislature.gov. This will be the only method for submitting letters for the record, other than testifying in person. Letters and comments submitted by way of email or hand-delivered will no longer be included as part of the hearing record, although they are a viable option for communicating your views with an individual senator. Keep in mind that you may submit a letter for the record on the website or testify at the hearing in person, but not both. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask that you begin your testimony by giving us your first and last name and spell them for the record. If you have any copies of your testimony, please bring up 10 copies and give them to the page and they will be handed out. If you're submitting test-- testimony on someone else's behalf, you may submit it for the record, but you will not be allowed to read it. We will be using a three-minute light system and this is what we do in every bill that we hear in this committee. We will be using a three-minute light system. On the table

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in front of Senator Brewer is the light that I'm referring to. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the red light comes on, we ask that you wrap up your final thought and stop your testimony. You may be asked questions. If you're asked questions, that's not counted as part of your three minutes. As a matter of committee policy, I'd like to remind everyone that the use of cell phones and other electronic devices is not allowed during public hearings though senators may use them to take notes or stay in contact with staff. I would ask that everyone look at their cell phones and make sure they're in a silent mode. This is an important reminder; verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Since we have gone paperless in the Judiciary Committee, senators will be using their laptops to pull up documents and follow along on each bill. You may notice committee members coming and going. That has nothing to do with how they regard the importance of the bill under consideration, but senators may have to introduce bills in other committee meetings or in other committee hearings or have other meetings to attend to. And with that, we'll have the committee members introduce themselves, beginning with Senator DeBoer.

DeBOER: Good afternoon, everyone. My name is Wendy DeBoer and I represent District 10 in northwest Omaha.

BRANDT: Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

PANSING BROOKS: Hi, I'm Patty Pansing Brooks representing District 28 right here in the heart of Lincoln.

MORFELD: Adam Morfeld representing District 46 in northeast Lincoln.

SLAMA: Julie Slama, District 1: Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

GEIST: Suzanne Geist, District 25, which is the east side of Lincoln and Lancaster County.

LATHROP: Assisting the committee today are Laurie Vollertsen, to my left, our committee clerk; and Josh Henningsen, one of our two legal counsel. Our committee pages today are Bobby Busk and Jason Wendling, both students at UNL. We appreciate their assistance with the Judiciary Committee today. The only thing that's a little bit out of the ordinary, I have a list from the bill's introducer, Senator

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Brewer. We're going to-- after Senator Brewer testifies, we'll take proponents of the bill so if you're in favor of the bill, you'll have an opportunity to testify. We're going to pull five people up before we take general testimony. There are people that have been identified by Senators Brewer-- Senator Brewer's office and as a courtesy to the introducer, we'll hear from those five individuals. And with that, Senator Brewer, you're welcome to open on LB773. Welcome to the Judiciary Committee.

BREWER: Thank you, Chairman and members of Judiciary Committee. My name is Tom Brewer, T-o-m B-r-e-w-e-r. I represent the 43rd Legislative District, which is now 11 counties of western Nebraska. I'm here to open on LB773. Again, this is my priority bill. Before I get going, I wanted to thank Senator Lathrop because I asked him that because of past bills similar to this, we have had some, some very hard, difficult days of committee hearing, simply because of the volume of people and the emotion that runs with it. So it's kind of the gentlemen's agreement that we worked out was that I would work as hard as I could to reduce the number of folks that will speak in support of the bill to allow just a handful of those who can share information and not be repetitive and not have a situation where folks are uncomfortable. So I-- I think we've been successful at that. I was-- I was glad to see that the hallways are relatively quiet today and that we're going to be able to get folks through, hear what they have to say, and have a good hearing, collect information we need and move on. And I just appreciate that you were willing to do, for one, let me have the bill up and then to allow us to-- to manage this thing so that the hearing is more valuable and what we need to have as senators is provided to us. So sir, I thank you. I spent my-- my career as a soldier, and of course, with that came an oath to defend the Constitution. So I've had maybe a little more of a passion for the Constitution than some. Maybe that's good. Maybe it's bad. I don't know. But it is a form of checks and balances. And that's why I've always felt that it was a-- a document that we had to work very hard to assure that we protected. The Second Amendment is a part of that. And there are other senators who could have championed this cause, this bill, but I think I'm uniquely qualified for that. If you look at the fact that I spent a lifetime as a hunter, lifetime as a competitive shooter, have-- have maybe had a more close and personal contact than most with both ends of a weapon. I think that that gives me the ability to speak with some knowledge and some passion. And-- and that's why I'm carrying the bill here today. The right to keep and bear arms should not be treated like a second-class right. And that's where today I hope we're able to maybe draw a picture and explain why

some of the concerns are out there. Now if I could have a page come up real quick here. Hand those out to everybody. What you're going to get handed out, and I know some of you probably have this memorized, but I think for the sake of everyone in here and get it on the record, we need to make sure we're all on the same sheet of music. Now you-- you're familiar with the U.S. Constitution and the Second Amendment. But let's just for a moment, take a look at the Nebraska Constitution. And under there, Article I under the Bill of Rights, "All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes." Such-- such rights shall not be denied or infringed by the state or any other subdivision thereof. All right, so the folks who wrote our Constitution felt that was important enough that they'll put it right up front first. I think that that's kind of where I want to make sure folks are when we talk about it. Now, there's things that both the Second Amendment and the Nebraska Constitution have in the way of verbiage that we should go over. And if we go in and look at some of that verbiage, security: protection from attack or safety from danger of other kind; to bear: to carry something, to move something from one place to another; arms: weapon of offense or armor for defense and protection of the body; infringe: to limit or reduce someone's legal rights or freedom whereby it interferes or does not allow performing of one's duty. So as we look through that and we look at where we are right now in Nebraska, we're kind of in a unique position. So open carry is authorized so otherwise you can have a firearm and have it strapped to your hip and you can walk around and that's not an issue. You're legal as you can be. Where the problem comes is at the point you put on a jacket and that firearm is no longer visible. Now you've committed a crime and you are a criminal, regardless of what the Constitution says. Well, I put my legal counsel to work and I said, Dick Clark, I want you to go to the law library and I want you to look and figure out at what point in Nebraska history did it go from being legal to illegal? And he killed the whole morning and came back and said, I can't find it. I said, well, isn't that interesting? So at some point it did become illegal. We're not sure when that was. But if you look, the-- the issue we have is that if you want to conceal carry, you're going to have to pay a fee and you're going to have to have the resources for that fee. And then you would also have to pay for the training that is associated with that permit requirement. Where else in our Constitution do we charge people to, say, vote? Or do we charge people to attend public meetings? Or do we charge people

for coming in and examining public records? What we've said is this right will be separated from all the others and you will have to pay for it. And if you don't, you won't have it. Our challenge is how do we do this and make sure that we don't cause issues for law enforcement? So what we did is we set up a meeting in Omaha and we wanted to be able to sit down with the police union and go through their concerns because they're rife with concerns. The problem in the law enforcement community is we're-- we're torn in two ways in that good people with guns are able to provide assistance to law enforcement. Bad people with guns are the problem. The problem is that bad people with guns are going to do what they're going to do. And no matter what law we pass here ain't going to change that. They're bad people with guns and they do bad things. I represent a lot of counties where I have a sheriff and maybe a deputy, and that may represent 10,000 acres or more. In some cases in counties the size of Cherry County, you know, they're as big as some states, and we have very limited ability to get to different parts of those counties. If it happens to be on a time when training is required for them to be in Grand Island, there may not be anyone available to respond. So what we're going to do is say you cannot, unless you open carry, be able to defend yourself and your family. And that's where the rub comes. Now there'll be plenty, I'm sure they'll come and tell you that the falls-- the sky is going to fall because of this. But keep in mind, there's a lot of states, Vermont has never had a law to restrict the ability to conceal carry and over 20 states have passed permitless carry, Iowa being the most recent: Texas, South Dakota, Wyoming. So if the sky was going to fall, they'd be falling there and they haven't. So let's remember that as we go through here. Now it is risky to take your priority, your one priority, and to designate it day one, hour one. But I did because my situation is this. You know, we worked hard for a number of years now. We thought we had the answer last year with LB238-- LB236. If you remember right, that was simply doing the same thing. Only what we did is we carved out Lancaster and Douglas. And that was an attempt to actually help resolve some of the concerns that might be with law enforcement, because that was the two issues where we might have the issue if we were. Our problem came in that the Attorney General said, nice try, but you've got to treat all the counties the same. You can't-- you can't have rules for some and not the other. And when he gave his Opinion, we were forced then to take LB236 and we ended up using that for a number of small issues that needed addressed. If you remember right, there was on the books, if you were to go in and buy a gun, put it in the original box and you carry it out to your car, if you should get stopped between point A and point B, you could be charged with in possession of a concealed

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weapon. Well, that wasn't right. So we were able to use that bill to maybe do some good, but it was never the idea behind it. So what we're trying to do now is go back and-- and say, all right, we know we can't do it that way. We want to still end up in the same place. How do we do that and appease those that have concerns? And so today you're going to have a number of people come in and speak and it'll be on both sides. I'd ask that you hear through, ask good solid questions, hopefully get good answers. But understand that we're not doing away with the-- the-- the program that will allow you to have a permit to carry a concealed weapon. As a matter of fact, what we're doing is we're saying, guess what? We'll take all of those rules, whether it be the fact that if you're a felon, a fugitive, a person who's on a protection order, probation, domestic abusers, none of them can have the ability to have a concealed weapon. All the prohibited locations are the same. Nothing changes. So we're not asking to change any of those rules. You still cannot have taken any drugs or alcohol. So understand that we are trying to trim this thing and fit it so that it is as proper as it can be so that it puts the right restrictions on. You still have a requirement. And this, again, was to help law enforcement that if you're stopped, you treat it just like you're someone with a permit, you notify that officer and that is part of the requirement. And-- and so, you know, if you step back and look at it, I think that's good we do that. It's proper that we do that. But as those individuals are going to tell you, the sky is falling, understand that we really have worked hard. Now you say, well, why would you then get a permit? Well, that permit gives you the ability to travel across state lines. The other thing it does is if you go into a-- into a gun store to buy a gun, you now have that background check completed and you can-- you can expedite the process there. You might-- you still have to have a background check in order to buy a gun. So that part doesn't change. When we-- when we looked at other options and we talked with law enforcement, we were approached about some other issues and they were valid issues. They're issues that-- that are not in the green copy, but will be some that we work out in an amendment. We need to clarify in there that if you're age 21, you need to be age 21, that is to be clear as can be. We need to harmonize the definition of prohibited person so that it matches the federal. No seams, no prongs, they match perfectly. The police union did bring up something that needs to be clarified in there, seems like a reasonable request too, to clarify that no concealed carry or no one can conceal carry while violating the Controlled Substance Act. It seems more than reasonable. And we need to address the second offense to fail to inform violation and what that penalty should be. So we have-- we have looked at a lot of issues that we-- we knew we would have with law

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enforcement, and we're working to fix those and-- and rightfully so. We have to be to where folks have some peace of mind. But back to my point is that don't think of it necessarily as some special privilege that we're giving. What we're giving them is a right that they're entitled to in the Constitution. Bad people will do bad things with guns. That has been the history of our nation. What we're trying to do is give good people the opportunity to have the right that they're entitled to. So I-- I would share if you would like there is a list that I'll hand out at close. And it goes through all of those who would have normally been in the hallway that aren't, thank goodness because I think it will help this be a better hearing, but where they're from and how many and all that is broke out here and it's available if you'd want it. But with-- with that, I'll take any questions and I will stick around for close.

LATHROP: OK, very good. Thank you, Senator Brewer. Do any of you have questions? Senator Geist.

GEIST: I do have question, probably a dumb question but I'm going to ask it anyway. Is this only for handguns? Does this include like a knife or anything like that?

BREWER: That actually is a great question. I believe that the way it's worded, it's weapon so it could be a knife [INAUDIBLE].

GEIST: OK. I've seen handgun in here a lot. But I've wondered because you can conceal a knife, which is a weapon. So I wonder.

BREWER: How about this? While-- while-- between now and close, I will get a message to my legal clerk and I will get you an answer.

GEIST: OK, thank you.

LATHROP: Any other questions for Colonel Brewer? Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Senator Brewer, for bringing this bill. You touched on second offense failure to inform. What would you make that in the bill? A misdemeanor or a felony or what?

BREWER: Well, that's where the rub is. The-- the police union would like to see it as a-- as a felony. We're kind of pushing back on that because keep in mind, your first offense could happen pretty easy. Just, you know, you didn't know that you had it, whether it be in your backpack or whatever. So you're going to get written up for that. The second one, if it's a felony, means that you just lost your right to

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vote and own a gun and-- and that's forever. So I think that's a little bit harsh. And so we're going to have to figure out what right looks like on that one. But there needs to be an increase in penalty. I just don't think a felony is the right answer.

BRANDT: All right. Thank you.

LATHROP: Senator McKinney.

McKINNEY: Thank you, Senator Lathrop. Thank you, Senator Brewer. I was curious, last year when you introduced your bill, were there any members of the police department that supported it?

BREWER: I-- I don't remember that there was.

McKINNEY: OK.

BREWER: And let me kind of share some of the reason why. If they saw you standing on a street corner, bus stop, wherever and they saw a bulge that might indicate a weapon, they could-- they could-- they could go ahead and take action and use that as a reason to check and see. If we pass this, there-- there wouldn't be a law against concealed carry and they wouldn't have a reason to just arbitrarily check it out. And I think there's concern because, you know, maybe-- I don't spend enough time in their world to understand what their issues are with gangs. But if they see that as a tool and I'm taking it away by giving the right to concealed carry, then obviously the police are going to say, no, we don't want to have laws that take away our ability to-- to, you know, arbitrarily look at someone and-- and check and see whether or not they've done something they shouldn't have done, like be in possession of a weapon.

McKINNEY: Does that sound like stop and frisk to you?

BREWER: Well, you've got to understand that this law was never written in the first place. First of all, we can't figure out exactly when conceal-- concealing and carrying become an offense that a Legislature passed a law on. And I'm sure that that law was written probably not for my ancestors or yours. Those are probably the ones that didn't want to have guns. So, you know, there was a thought process that probably went into this originally. But again, my purpose is simply to make it so that a person who has never done anything wrong and wishes to protect himself or her family, they can do that. And they can do it without fear of having an offense that go on their record and can mess up your life. The jobs that you can have and things that you can do

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are now all of a sudden changed just because you want to be able to protect your family.

McKINNEY: And that's some of my concern is I'm kind of conflicted on this because on one hand, I think people should have the right to, you know, bear. But also with the police, it seems like they're, I'll just say it, they don't want to allow black or brown individuals to possess a weapon essentially. That's what it seems like to me. Maybe they won't ever outright say it, but that's what it seems like.

BREWER: Well. If-- if that's your concern, then I think you should-- should look really hard at the bill because all it's saying is if you've done nothing wrong, you should be able to possess then there should be a law against it, and it shouldn't matter what color you are, where you live, or anything else. That is a right that's given in the Constitution, both the Nebraska and the U.S. So. I think--

McKINNEY: I agree. I was just asking that question because I remember, I think I remember from last year Douglas County was excluded and I just thought it was convenient that Douglas County was excluded because, you know, my district is in Douglas County, Senator Wayne's district is in Douglas County, Senator Vargas' district is in Douglas County and the county that probably makes up a huge portion of the minority population in the state was excluded. And I can't-- I'll-- I'll try to pull it up later, but I couldn't confirm or not whether an individual from the police department supported that bill.

BREWER: Well, that's probably my fault that they were excluded. And quite frankly, part of that was we didn't know how the Omaha or Lincoln senators would vote on it. We thought, well, we know when we have 91 of 93 counties that want to be, you know, sanctuary counties for the Second Amendment, we're pretty solid. We know where that is. Those two are the crazy islands that you never know what they're going to do. Well, add to that the fact that now I've got this parade of cops that are going to come here saying, oh my God, the ceiling is going to fall tomorrow if you do this and I [INAUDIBLE] didn't need the heartache. So I thought, you know what? We'll-- we'll keep it simple. And so that's why they weren't included. And-- and-- and you're right, and the Attorney General was right to say, listen, you can't do that. You can't cherry-pick which counties can and can't have the right. It's either a right or it's not a right. And so Attorney General made the right decision. I made a bad decision. I'm trying to fix it now.

McKINNEY: All right. Thank you.

LATHROP: I don't see any other questions. Thanks for bringing the bill and your presentation. We are going to, at Senator Brewer's request, which is not uncommon, invite testimony from five individuals before we open it up. The first person is going to be Dr. John Lott. So, Dr. Lott, if you would. Good afternoon and welcome.

JOHN LOTT, JR.: Well, thank you very much, Senator Lathrop. And I appreciate Senator Slama from-- for inviting me. As was mentioned, there are 22 states that have constitutional carry laws. There's 34 that allow people to carry without a permit openly. Nebraska is one of 43 state-- right-to-carry states. I actually testified the first time that the right-to-carry bill was first brought up in Nebraska back in 1997. And the interesting thing is, is that the same arguments that were being made now with regard to constitutional carry, both with regard to issues in general and with regard to the attitudes of the police, are exactly the same now as they were 25 years ago. But my impression is, is that the police are very happy with concealed carry laws right now in the state from what I can tell. The types of concerns that they had before there weren't borne out. And I think if you go and look at the experience in other states right now with regard to constitutional carry, you'd see the same thing. So all but one of the states that surround Nebraska have constitutional carry laws. One of the things that's interesting is that in these 21 states, not one state that's passed that has even held a legislative hearing, let alone a vote on reversing the law that they had. You would think if there was some opposition that had arisen, there would be at least a legislative hearing, some bills that would be put forward to go and change it. And yet you haven't seen a single legislative hearing that's occurred. So, you know, there are a lot of things with all these laws about things that might possibly go wrong beforehand that didn't do it. Much will remain unchanged in this law. Businesses and private property will still be able to prevent prohibited people from carrying on their property. There's still prohibitions on sensitive places. People must be able to legally own a gun to be able to carry. There's two major changes that this bill would have. One is how quickly somebody could be able to go and carry. So if you're a woman who's being stalked or threatened, right now, once you submit your paperwork and everything, it takes 45 days. It's been a little bit longer over the last two years with the coronavirus within 45 days. But the problem is, if a woman is being stalked or threatened, making her have to wait 45 days might be too long to make her wait for protection. The other thing is the cost. Right now, it's \$100 for a permit in Nebraska that's twice the national average for cost for permits. Plus, if you include the training cost, you're talking about

something that's at least \$170 or so. That may not stop you or I from being able to go in and have a permit. But the very people that my research indicates who benefit the most from being able to go and have a gun for protection, poor minorities who live in high crime urban areas. One hundred and seventy dollars might make the difference between whether or not they can legally carry or not. But the people who are most likely victims of violent crime benefit the most. I can go through briefly. You look at Illinois and Indiana. Illinois has 4 percent of the adult population with a concealed handgun permit. Indiana has 22 percent. Why the difference? In Illinois, it costs \$450 to get a permit. In Indiana, it's \$12.95. Not only do you have fewer people get it, but in Illinois, the people who get it are wealthy whites who live in the suburbs. It's fine that they're being able to carry, but they're not the ones who benefit the most from having the option to be able to go and protect themselves. The-- I know I'm out of time. I'll just say the handout that I sent you looked at all the states that passed constitutional carry between-- up until 2018 to look at before and after crime rates, both murder and overall violent crime, and also police killings. And what you find is that murders fall statistically significantly. Violent crime falls slightly, but it's not statistically significant if you look at all those states. And police killings fall, but very slightly over time. Obviously, they go up and down from year to year, but the averages before and after are lower for all three of those after you have constitutional carry. And it seems, you know, people raise concerns about things that might happen, but I think that provides kind of a bottom line.

LATHROP: OK, thank you, Dr. Lott. Any questions? Senator Slama.

SLAMA: Thank you, Mr. Chairman, and thank you, Dr. Lott, for making the trip here today. I do think it's valuable that we dig into the numbers and the data here. So referencing what you talked about in the handout you were able to give us, so are we seeing these drops in murder, relatively stable, violent crime rates, other drops, is that typical across the board of all the states that have constitutional carry [INAUDIBLE]?

JOHN LOTT, JR.: These are the average changes that occur. There's some variation, but most of these places you see drops that occur. I mean, obviously, there are other things that are happening in these different states from time to time. Obviously, we've seen the last couple of years big increases in violence for lots of different reasons, but those are the average changes that you see.

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SLAMA: And out of all of these states that have passed constitutional carry legislation, there hasn't even been a legislative hearing to repeal it?

JOHN LOTT, JR.: There has not been a single legislative hearing in any of the 21 states--

SLAMA: Fantastic.

JOHN LOTT, JR.: --let alone a vote on trying to do so. The thing is, you've had parties change control. You know, Maine went from Republicans controlling the governorship and the state legislature to Democrats controlling everything. A number of other states you've had changes in governors, you've had changes in state legislatures. You would think when it changed parties, you know, if there was something going on there, you would've seen at least a hearing on this if there was really opposition. But as with so many of these laws and as with Nebraska, when you passed the right to carry law to begin with, you can go back, read the debates that were occurring in the state, the types of fears that were occurring. As I said, I testified here in 1977-- 1997. Look at the newspaper articles six months or a year after it passed and basically the headlines in the newspapers saying, you know, those fears that we raised, they didn't really come true and it became a nonissue. Now, the right to carry law that you have in Nebraska is a completely non issue as far as I can tell. And you see the same change over time after states passed the constitutional carry.

SLAMA: Thank you, Dr. Lott.

LATHROP: Senator Morfeld.

MORFELD: Thank you for coming, Dr. Lott. So I'm just looking at your data here a little bit, and I have a few-- few questions. So the data that you handed out, you specifically say-- oh, I want to make sure I get the wording right-- murder rates that you're looking at here. So is this murder rates involving a firearm or is it murder rate [INAUDIBLE]?

JOHN LOTT, JR.: These are total murder rates.

MORFELD: Because I guess the concern that I have with just total murder rates is which is what I thought, but I haven't been able to look up your research yet, is that if you look at the CDC for states that have passed constitutional carry, murder rates-- I want to make sure I get the data right-- there's a 5.1 percent increase in gun

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homicide rates annually, compared with 1.2 percent annual increase for states without such laws. And that's just from the CDC. So--

JOHN LOTT, JR.: But-- but what states do they look at? You know, I'm not going to go and argue that in every state it fell. But what I will say--

MORFELD: It's all the states, just to answer your question, it's all the states that have constitutional carry are the states that the CDC research [INAUDIBLE]

JOHN LOTT, JR.: Well, I kind of doubt that for one, because you have a number of states, you had five states that passed it last year.

MORFELD: You can doubt it, but it's [INAUDIBLE]

JOHN LOTT, JR.: No. I mean, but I'm just saying--

MORFELD: They're not lying about it.

JOHN LOTT, JR.: I'm not saying you're lying. I'm just saying that they had to pick a time to cut it off.

MORFELD: OK.

JOHN LOTT, JR.: Because the data for 2021 when you had five states that adopted isn't available yet. The data for 2020 either-- for some of those states you are only going to have for part of the time.

MORFELD: OK.

JOHN LOTT, JR.: And so I'm just asking what period of time--

MORFELD: OK.

JOHN LOTT, JR.: --did they look at because they couldn't look at all the 21 states.

MORFELD: I'll have to look into the research a little more, but I appreciate you bringing that up.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Dr. Lott, for testifying today. In your-- in your research, have you done anything on the gun training component? So today in Nebraska, they--

JOHN LOTT, JR.: Eight hours.

BRANDT: --they have to take an eight-hour course to get a concealed carry permit. Anecdotally, talked to some of these trainers, the washout rate is about 20 percent. It's evenly divided between people that are gun owners and people that have never fired a weapon before. They take the course, they fire the weapon, they do not enjoy it. They don't want anything to do with it. Do other states have a training component with constitutional carry or it's just you can just buy a firearm and you're on your own to get your own training?

JOHN LOTT, JR.: Right. Well, there's we have right-to-carry states a variation in training for those, and we have a lot of data there. So you have a number of large states like Pennsylvania and Indiana that have a right to carry permit, but no training that's there. In my book, *More Guns, Less Crime*, from University of Chicago Press, I look, and right now, over half the states don't require training for people to be able to go and carry a gun. If you include the constitutional carry, plus there's like eight right-to-carry states that don't require training. And then there's a range of training for the other ones, going from anyplace from 2 hours all the way up to 16 hours in a state like Illinois, for example. And what you can-- there are two points to make. One is when states have moved from a pure licensing to constitutional carry, you'll actually see large increases. You know, at least I have data for Idaho and Kansas in the number of people who get training. So even though it's no longer required for people to go and get training when you eliminate the fees that they have to pay, more people want to carry. And these people are generally law-abiding citizens who know that they have a lot to risk if they go and do something wrong. And the data for both Idaho and Kansas indicated that you had, depending on the state, either a 22 or 25 percent increase in the rate that people were actually going and getting training. And one of the things that you do see when you move to the constitutional carry is that a lot of states have a lot of arbitrary things that are required in the training process. So like California, for example, has two and a half hours on safe storage of-- of guns-- of guns. And what will happen is, is that the trainers will often change the classes that they offer to people who just want to get trained to make it something more useful for them than often what they had been arbitrarily put into the law on things that they had to do. But you'll see-- you definitely see an increase in people who are going to get training. The other thing is in my research, if you look across the states, one of the things is to look at the relationship between training levels and revocation rates for permits. You know, people can be revoked for improperly using the gun, for example, or there are

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other things that they might do. And the issue has been, do you see differences in revocation rates or suspension rates between based on the level of training that you have? And in fact, you don't see any real differences across the states there.

BRANDT: OK. Thank you, Doctor.

JOHN LOTT, JR.: Sure.

LATHROP: Can I ask a simple question?

JOHN LOTT, JR.: You can ask a hard question.

LATHROP: Well, this is pretty simple. This really is a simple one, though. When we talk about constitutional carry, the difference between that and the current system is you would not be required to get a permit. You would not go through the training. You wouldn't have to pay a fee.

JOHN LOTT, JR.: Right.

LATHROP: OK. All right. See, I told you it was simple.

JOHN LOTT, JR.: Right. You don't have to wait. You don't have to wait for 45 days.

LATHROP: OK. I don't see any other questions for you. Thanks, Dr. Lott. We appreciate your testimony.

JOHN LOTT, JR.: Thank you very much. I appreciate your time.

LATHROP: Sure. We'll next hear from Trish Harrold. Good afternoon and welcome.

PATRICIA HARROLD: Good afternoon, thank you. My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d. I'm proud to be president of the Nebraska Firearm Owners Association and support our almost 30,000 followers who have made this bill our priority for the last several years. Training and education is my passion. I have been in the training industry for, gosh, 30 years. I must have started when I was five. I'm a certified professional in talent development, recognized expert in the training industry by the American Association for Talent Development Training Magazine and variety of other industry leaders. I'm a defense contractor by day, responsible for ensuring our intelligence, reconnaissance, and surveillance air crew at Offutt Air Force Base can do their job. I'm also a firearms instructor. I'm a

training counselor, which also means I actually certify other instructors. And I work extensively throughout the Douglas/Lancaster/Cass areas to provide training opportunities for people across our state. Training is my passion. As an expert, the most effective, efficient, and impactful training is targeted. It's designed with the audience in mind, and our current concealed carry curriculum is very broadly designed. It was an attempt to create a catchall, very thorough across the board, covering possibly every possible thing anyone could possibly want to know with regards to the laws of self-defense, how to store your firearm, how to clean your firearm, how to shoot a gun, situational awareness, de-escalation, etcetera, robust training. And I have trained over a thousand people probably in the course of my career here in Nebraska. However, the key thing and we already spoke about it, so I won't spend too much time, constitutional carry is not going to result in a dramatic reduction in citizens seeking training. I work for an organization that teaches across multiple states in our region, and those states are constitutional carry and they cannot have enough classes on their schedule. And this is because you can target and customize and align your training to the needs of the audience. If someone has been a prolific firearm owner for many years and they simply want to focus on the laws of self-defense to understand how they're lawful and legal to maybe expand their expertise in de-escalation situational awareness, they're going to take a class in that. I am a native Spanish speaker. I was also an Arabic translator in the military. We have no means for folks whose language is not English to truly understand the law in their current CHP curriculum. Myself and several folks out of north and south Omaha are very excited about creating programs for people who speak Spanish and the myriad of languages we have in our communities. The evolution of learning opportunities is such customized training, very cost effective, and very time considerate. If folks need four hours of training, they can take a four-hour training class. If someone wants to take 16 hours of training, they can take a 16-hour training class. What I have found, though, is many folks routinely train more than that. So I have worked with people who have worked with me every week, every Thursday for two hours to become proficient. But the beautiful part is the majority of the skills related to firearms handling and safety can be done at home. The only part that you need to be at a range is to actually fire the gun. All the fundamentals, the before and after that shot is fired, can be practiced at home, and we're not going to lose any issues with regards to safety. We can actually expand safety in our community.

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LATHROP: OK, thank you. And thanks for observing that red light. Any questions for this testifier? I see none.

PATRICIA HARROLD: Thank you.

LATHROP: Thank you for being here today.

PATRICIA HARROLD: Have a great day.

LATHROP: Next testifier is going to be Jon Anderson. Good afternoon, welcome.

JON ANDERSON: Thank you. My name is Jon Anderson, J-o-n A-n-d-e-r-s-o-n. I live in Norfolk. I am a lifelong Nebraskan born and raised. I've only ever lived here. I am currently a board member for Nebraska Firearms Owners Association. I'm a certified firearms instructor, a licensed concealed carrier, and a firearm owner. My testimony is not representing NFOA. This is my personal testimony today. I come before you today to ask you to please vote yes on LB773. Both the United States Constitution and our state Constitution specifically list the right to keep and bear arms. Let me emphasize that it is a right. Nebraskans deem this such a fundamental right it is named in the first section of the first article of our state's Constitution. The right to defend oneself is extremely important to most Nebraskans, especially since the world is turned upside down with riots and protests across the land. Each year, the FBI releases their uniform crime report. Each year, we find that there are roughly 10 incidents where a firearm is used by a private citizen to save a life for every one incident where a firearm is used by a criminal to take a life. And since many defensive incidents go unreported or undocumented, it's possible that ratio increases to as much as 30 to 1. In our state, anyone who is able to purchase and possess a handgun has the lawful ability to openly carry that handgun in public, Omaha excluded. Many experts and private citizens alike, however, believe that open carry is not always the best practice. And discreet or concealed carry is recommended to avoid causing a scene in public or to avoid being confronted by a person or persons who disagree with the act of open carry or to avoid being targeted by a violent criminal who would see them as a threat and thus a person to be eliminated during the commission of a crime. If a person is lawfully able to purchase a handgun and can pass the background check required to do so, and that person already has the lawful ability to carry that handgun openly in public, then why can that same person not be trusted to carry that same handgun under their jacket or shirt? What changes once the handgun is not visible to a casual observer? The simple act of

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covering up that handgun does not implant some devious intent into someone's mind and cause them to consider criminal acts, quite the opposite. Law-abiding, background-check-passing citizens simply want to avoid becoming victims of criminal acts. Since 2006, Nebraskans have been able to carry a concealed handgun in public so long as they can afford to take a class and pay for a permit from the state. The truth is, there are many Nebraskans who simply cannot afford the cost of the-- of the class and the permit. Those Nebraskans are in no way second-class citizens, but they're unable to discreetly exercise the right to bear arms that is listed in the constitutions, both federal and state. Why is there a right that is only available to some of the population? Why must we tell certain Nebraskans who may be short on money that their lives and safety are less important than the ones who can afford to pay? I would ask each of you to please consider all the citizens in Nebraska, not only the ones blessed with surplus money, when you consider your vote on this bill. It doesn't allow anyone to discreetly carry a handgun who wasn't already able to lawfully possess and openly carry it. Please remove the requirement for a permit in order to safely and discreetly carry the handgun in public so that all Nebraskans can exercise their right to keep and bear arms. And please remember if a right isn't available to everyone, equally, it's not a right.

LATHROP: OK. Thanks for your testimony. Let's see if there's any questions.

JON ANDERSON: Thank you.

LATHROP: There may be. Can I ask?

JON ANDERSON: Yes.

LATHROP: I've got a couple for you. You said that you're a firearms instructor.

JON ANDERSON: I [INAUDIBLE] certified.

LATHROP: Do you teach the concealed carry course?

JON ANDERSON: I will. I'm in the process now of doing the paperwork to form an LLC because this is a litigious society these days. So I have not yet gotten certified through the state to teach that class, but I will be submitting that here in the coming weeks.

LATHROP: You have taken the class, though.

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JON ANDERSON: I've taken the course to become an instructor and I have taken the class, yes--

LATHROP: If I want to get--

JON ANDERSON: --to be a CHP.

LATHROP: If I want to get a permit currently and I need to take the the class--

JON ANDERSON: Yes.

LATHROP: --what's my commitment in money and in time?

JON ANDERSON: Well, as has been mentioned, it's an eight-hour class. The going rate is roughly \$100, sometimes less, sometimes a little more, depending on the instructor. That's just instructor's discretion.

LATHROP: Is the eight hours statutorily required?

JON ANDERSON: I believe it is.

LATHROP: Or it just takes that long to get there.

JON ANDERSON: These are things that I will be working on with the state.

LATHROP: OK.

JON ANDERSON: Work with the State Patrol to get certified to teach the class and have their blessing to do so. That doesn't count the \$100 for the initial permit fee, the fingerprinting, background check and all that.

LATHROP: So walk me through the expense associated with getting the permit. So if I want to-- if I want to do this, I know--

JON ANDERSON: Sure.

LATHROP: --there's a time lag versus just going up to Cabela's and picking up a handgun.

JON ANDERSON: Well, that's part of the expense. You have to be able to obtain the handgun.

LATHROP: OK.

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JON ANDERSON: The CHP class isn't designed to teach you how to shoot. It's just to verify you already know how to safely.

LATHROP: Who am I-- who am I writing checks to and for how much?

JON ANDERSON: You're writing a check to an instructor for a class, roughly \$100, say, average.

LATHROP: OK.

JON ANDERSON: You're paying \$100 to the State Patrol for the permit itself.

LATHROP: OK.

JON ANDERSON: So roughly \$200 there.

LATHROP: So \$100 for the-- the instruction and \$100 for the permit.

JON ANDERSON: Right.

LATHROP: OK. Does that cover the expense?

JON ANDERSON: Does--

LATHROP: It's not a trick question.

JON ANDERSON: Right.

LATHROP: I'm trying to understand.

JON ANDERSON: It doesn't cover the practice that would be beneficial. If you show up to a CHP class not knowing how to shoot a firearm, then you're probably not going to pass the class because you don't-- you won't pass the-- you're not likely to pass the proficiency side, but--

LATHROP: That part's probably advisable regardless.

JON ANDERSON: Right. Exactly, obviously.

LATHROP: OK. You've answered my--

JON ANDERSON: Roughly the \$200.

LATHROP: Yeah, you've answered my question. I appreciate your background. Senator Slama.

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SLAMA: Thank you, Mr. Chairman. And just in addition to that expense, you have the supply costs so not only the firearm, but the necessary rounds of ammunition, which are not cheap at all, depending on what rounds you select. That can almost be more expensive than the cost of the permit or the class.

JON ANDERSON: Right.

LATHROP: OK. I don't see any other questions. Thanks, Mr. Anderson.

JON ANDERSON: Thank you.

LATHROP: We appreciate you being here today. Next will be Jim Gottchalk [PHONETIC] Is Jim Gottchalk here? OK. We'll go on to Dave Babcock. Good afternoon and welcome.

DAVID BABCOCK: Good afternoon. I didn't know I was on that list.

LATHROP: Well, we're glad you're here.

DAVID BABCOCK: Thank you. Good afternoon. My name is David Babcock, D-a-v-i-d B-a-b-c-o-c-k. Thank you, Chairperson Lathrop and members of the committee for the opportunity to testify. I am an attorney and I have recently retired after 33 years working for the state of Nebraska. I also served as a deputy and chief deputy county attorney in Adams County in the 1980s. While crime declined in the United States since the 1990s, we now live in an era of skyrocketing rates of homicide, carjacking, and other violent crimes. This increase in crime seems to be tied to when states began releasing prisoners due to COVID, as cities experimented with cashless bail, as prosecutors in large cities began refusing to enforce some laws, and as there were hundreds of riots across America. The Midwest has not been immune to this surge. Chicago had 797 murders in 2021. Now that would include other than just firearm murders, blunt instrument, so forth. The high-- the highest number-- this is the highest number in 25 years. St. Louis set a new all-time record high in 2021 with 196 murders, and Minneapolis-St. Paul set highest number of murders in 28 years during 2021. The news is filled with horrif-- horrific acts of senseless violence aimed almost on a daily basis. Arrest, prosecution, and incarceration of criminals for-- are important for the protection of society, but they do nothing to protect the individual during a violent attack. The Second Amendment has been a fundamental civil right in the United States since 1791, when the Bill of Rights was adopted as part of the U.S. Constitution. It-- it protects the right to keep and bear arms. LB773 serves to strengthen this civil right

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and-- protected by the Second Amendment by enabling persons who are not protected, prohibited from possessing firearms to carry concealed handguns so as to protect themselves and their loved ones. The surge in crime shows-- shows us that many criminals are already carrying weapons and they will use their weapons when they believe they can commit a violent or act without getting caught. Some criminals appear to view their weapons as power over other people, and taking someone's life is the ultimate exercise of power over another person. Chicago has among the strictest gun laws in America, yet it also has one of the most-- is one of the most dangerous cities in America, with an incredibly high murder rate often involving firearms. Many large U.S. cities with serious crime-- crime surges also have strict gun laws as well. Let me skip ahead here. Albert Einstein told us that insanity is doing the same thing over and over, expecting different results. Cutting-- there are some laws that are perfectly appropriate regarding firearms. Of course, we take away the rights of people who are convicted of felonies, convicted of domestic assault, or are committed to mental hospital and so forth. And we enforce those strictly. But anyway, the-- the bottom line is, is that by having people who can carry their own firearms this helps address the violent crime at the time it is happening, not after the person becomes a victim.

LATHROP: OK.

DAVID BABCOCK: I'll move ahead. Thank you for your time. Do you have any questions?

LATHROP: Let's see if anybody has any questions--

DAVID BABCOCK: Very good.

LATHROP: --for you, Mr. Babcock before we get you. Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Mr. Babcock. So in your bio here, you were the chief deputy county attorney for Adams County. Is that correct?

DAVID BABCOCK: Yes, I was for three years.

BRANDT: OK. And I don't want to ambush you here. And this is actually in the bill, and I'm thinking-- I was waiting for an attorney to answer this for me. Underneath the current concealed carry permit and under this bill, it's-- it's listed and I'll just read it to you: A person not otherwise prohibited by state law from possessing or carrying a concealed handgun shall not carry a concealed handgun while such person is consuming alcohol.

DAVID BABCOCK: Yes.

BRANDT: Is that the same rules for a concealed-- concealed carry today?

DAVID BABCOCK: Yes, it absolutely is.

BRANDT: So if a woman goes into a restaurant or something with a gun in her purse, she has to leave that weapon in the car. What is?

DAVID BABCOCK: Yes.

BRANDT: OK.

DAVID BABCOCK: They lock it in the glove box. Lock it in a compartment. Many people buy these small lock boxes. They put their firearms in, slide it under a seat or something like cable to the car.

BRANDT: Yes.

DAVID BABCOCK: And then you can go drink. You're not carrying concealed.

BRANDT: OK. But that would be a zero tolerance.

DAVID BABCOCK: My understanding is that county attorneys pursue that very regularly. I know that from my own conversation with other county attorneys. I used to work at the State Patrol and answered some of those questions for county attorneys.

BRANDT: OK. I appreciate that. Thank you, sir.

DAVID BABCOCK: Sure.

LATHROP: OK. I don't see any other questions. Thank you very much for your testimony.

DAVID BABCOCK: Thank you.

LATHROP: So now we'll go to sort of opening it up. We are on proponents first. When we get done with proponents, those people that are here in favor of the bill, then we will take up and allow individuals time to speak in opposition if there's opposition and then neutral testimony. Can I see by a show of hands how many people intend to testify today? OK. We should hear from all of you. I would encourage you that if somebody has already said what you've said and you want to fill out a white sheet and just have your name recorded in

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the record, that's good too. And we'll take the first proponent. Good afternoon and welcome.

TERRY FITZGERALD: Good afternoon. My name is Terry Fitzgerald, T-e-r-r-y, Fitzgerald, F-i-t-z-g-e-r-a-l-d. And thank you all so much for allowing me this afternoon. I have been privileged to be an NRA certified firearms instructor for 30 years and an NRA appointed training counselor for 20 years. I teach basic firearms courses in 10 different disciplines, as well as train and certify NRA instructors in those same disciplines. I also conduct the Nebraska concealed handgun permit course and nonresident concealed handgun courses for several states. As you may guess, I am a firm believer in basic and advanced firearms training. I have trained people from almost all counties in Nebraska and stress the need for additional training to all of them. With that said, I feel it's my job to provide the best training I'm capable of to those who seek it. It is not, however, for me to deprive any law-abiding Nebraska citizens of the right to have, carry, and use if necessary the most effective means of protecting themselves and their loved ones based on whether or not they've taken a course from me or another certified instructor. Sometimes that most effective means is a personally carried firearm. I urge you to vote yes on LB773. Thank you for your time.

LATHROP: Thank you, Mr. Fitzgerald. Any questions for this testifier? I see none. Thank you for your testimony. We appreciate your being here today.

TERRY FITZGERALD: Thank you.

LATHROP: Next proponent. You're in favor and you want to be heard. Good afternoon.

MITCHELL MCKENZIE: Good afternoon. All right. My name is Mitchell McKenzie, M-i-t-c-h-e-l-l M-c-K-e-n-z-i-e. I am in favor of constitutional carry. I believe that a-- requiring a permit system to concealed carry constitutes a violation of the Fourteenth Amendment right, both in the equal protection clause and the due process clause, spoken earlier about the equal protection clause where you just affect lower income citizens. And in many cities across the country, the majority of crime is committed in these lower income areas, but it's only by a few individuals in that area. It is not the majority of those people. So for the majority of the people that are law abiding in that area, if they're forced to pay large fees to be able to have their right to carry, then you're basically disaffecting them in their god-given right to bear arms for their own protection. And as it was

stated earlier, they're probably part of the population that is the most affected or the most-- in most need of this right. I also believe that it goes against the due process clause in that if I'm required to go through a background check to exercise my constitutional right to bear arms, it essentially is causing me to have to defend myself, assuming me guilty of a crime that not only am I not being-- that I didn't commit, but I'm not even being accused of. And now I'm having to sit here and prove my innocence through a background check to exercise-- exercise a constitutional right. I also-- I've heard a lot of the concerns with law enforcement and citizens in general, and I'm not unsympathetic to those. But the people that are going to get firearms, they already have them. And I promise you, they're concealing them because if they don't, they're going to get caught. And if they get caught, they're going to prison and they know that. People that want to obtain a firearm to go commit a crime, they're already committed to committing the crime. They're-- they're not going to care about extra laws in the way. I've looked over the bill. I have not seen anything that changes any rules on who is allowed to have a firearm, who is allowed to buy one, who is allowed to-- it just changes whether or not you have to pay money and go through a course to actually carry. I'm not opposed to training. I think everybody should have training. I disagree with mandating it, though, because there are places in this country where they use that to try to price people out or just deter people from exercising their constitutional right.

LATHROP: OK. Let's see if there's any questions. I see none. Thanks for being here. This is your first time you ever testified.

MITCHELL MCKENZIE: Yes, sir.

LATHROP: Yeah. Thank you for being here. Next proponent. There's a couple of chairs up here, if you want to start kind of a little bit of a on-deck circle, that's OK too. Good afternoon.

PAUL VON BEHREN: Paul Von Behren, P-a-u-l, last name is two words, V-o-n B-e-h-r-e-n. I'm from Fremont. I won't bore you. I wrote up a written testimony, but you're going to hear a lot of the same things on that, so I'm not going to bore you with that. But a few points that need to be made. And I think the biggest one is that when you get into the gun debate issue at any level, it becomes emotion versus fact. And if we're going to get this right, the only thing that really counts in the final decision is using the facts. Senator Brandt, you're exactly right in regard to training. There would not be any training necessarily required, but there is no training required for open

carry. So from-- from that standpoint, it doesn't change a lot of things. What's interesting to me is that by and large concealed carry is a huge-- people don't understand what a responsibility that is and what a privilege it can be. I'll give you two examples. I have a daughter who is severely handicapped. She is an amputee. Last year alone, she had nearly \$1 million of surgeries and medical procedures. She lives alone in a-- well, she lives with her husband in rural Nebraska. But he spends a lot of time away. She doesn't need concealed carry while she's at home. But when she is out, her only option is to be on a scooter. There is no better time to take advantage of someone than if they are handicapped. They-- their medical bills require that they live basically on food stamps. So \$100 to \$200 is a big burden for them. She understands how to use a gun, but physically she can no longer even get to the training. So what this has done is if she tries to defend herself in public, even legitimately as a handicapped individual, she is going to violate the law. She can't afford it, and she simply cannot get physically to the training. She's an excellent shot. She went through all of that before she was handicapped. The other example is my son, who spent 15 years policing the high-crime areas of Omaha at midnight. And when you talk about concealed carry, concealed carry laws give you one advantage when you're policing in a high-crime area, and that is, you have one extra charge that you can lay against a criminal for not having a permit. Other than that, if someone is intent on committing a crime, there is nothing. There is no deterrent. They're going to get the weapon. They're going to commit the crime. The net result is that concealed carry laws only regulate the people who would likely follow the law anyway. I believe Dr. Lott's own research said that it's six times more likely that a police officer, a law enforcement official, will be convicted of a gun crime than a legal gun owner. And that in itself makes it-- makes it-- makes it an interesting debate. Because at the end of this whole thing, it is emotion versus actual statistics. Most dangerous places in the United States are those with the strictest gun laws. That's been well documented. The safest by declared, and I will finish, by the-- the FBI's only-- only study completed last December, Maine, Vermont, New Hampshire are the three safest. All three have constitutional carry. So my only point is that concealed carry laws give you the illusion of doing something while doing nothing to effectively change anything.

LATHROP: OK. I don't see any questions at this time, but thanks for coming down. Next proponent. Good afternoon.

MARK HAMILL: Afternoon. I'd like to thank the committee members for the privilege of testifying here. Name is Mark Hamill, M-a-r-k H-a-m-i-l-l, from Omaha. Now the issue of firearm ownership and

concealed carry by civilians is a topic which generates tremendous emotional response. I am a trauma surgeon in a large city in Nebraska. I'm also a firearms violence researcher, a former police officer, former EMT, former paramedic. For about 35 years, I've been dealing with violence, violent crime and injuries for some-- in some method or in, in some aspect. Over the last 35 years, concealed carry attitudes in this country have changed tremendously. There has been a tremendous liberalization of the ability of civilians to carry firearms concealed throughout the nation. I looked at this and the major argument against it is, well, it's going to increase crime. There's going to be shootouts. There's going to be, you know, blood in the streets and that-- those-- those have been quoted from people, you know, over the last 35 years. I decided to look at this a few years ago and over a 35-year period, you know, all states have moved towards allowing some form of concealed carry. So the question is, did those moves actually change violent crime rates, change homicide rates? And as published and, again, I included a copy of my paper in the-- in the packet I've given you. When you look at the last 35 years, states changing from not allowing content carry whatsoever to very restrictive carry to shall issue carries to unrestricted or constitutional carry has not affected, statistically affected violent crime rates in this country. It has not affected homicide rates in this country. And I think that's important to consider because that main argument that it's going to increase violence really is unfounded. You know, the other-- so OK. So if you're not going to affect crime, so why bother having concealed carry? Well, I think it boils down to defensive uses of firearms, and the numbers are debatable. You see numbers that are as low as 64,000 a year, as high as 2.5 million episodes a year of defensive use of firearms. Not all of them involve firing a shot. Not all of-- many of them, if not most of them, are probably unreported to the police. But it still can involve high-profile situations. I mean, in a study from the U.S. DOJ in 2016, 2017 where they were looking at active shooters, about 20 percent of the incidents they looked at some sort of armed civilian intervened; and in 10 percent, the armed civilian stopped the shooter and prevented further loss of life. And I think it's things like that that you've got to consider where, you know, people legally carrying firearms aren't going to be the problem. It's the people who want to do it illegally that generally cause the problems. Yeah, what my written testimony and my paper goes into things a lot more. And I do have to point out that my views are my own. They do not represent the views of my employer or my employers, as the case may be. But I'd welcome any questions, and I would urge you to vote to push this bill out of committee.

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LATHROP: OK, we appreciate your testimony. Senator Slama.

SLAMA: Thank you, Mr. Chairman. And thank you, Dr. Hamill, for being here today. I think this article is-- is fascinating because we have had a discussion about data already. So your research found that there is no systis-- statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime. You used CDC data for these findings, right?

MARK HAMILL: I used both U.S. DOJ data and CDC data. Yes.

SLAMA: And this-- this paper was published. Correct?

MARK HAMILL: Yes, sir.

SLAMA: There was--

MARK HAMILL: Ma'am, excuse me.

SLAMA: Either way.

MARK HAMILL: Yes. It was published in 2019 at the Journal of the American College of Surgeons.

SLAMA: Oh, fantastic. That is-- that is very well-respected Journal. Thank you, Dr. Hamill.

MARK HAMILL: Thanks.

LATHROP: Senator McKinney.

McKINNEY: Thank you, Senator Lathrop. Dr. Hamill, quick question. If-- if your data is showing that constitutional carry being legal doesn't increase crime or whatever, why do you think the Omaha Police Department opposes this?

MARK HAMILL: Well, I think there are a couple of things I will say-- I will say that my data ends in 2015, where at that point there were only seven states that had constitutional carry. And actually, I plan to carry that over. I just, I'm waiting for the data to kind of percolate through the systems. I suspect what you would find is there is a difference between the rank and file police officers' opinion on this and the command staff's opinion, where command staff for a number of reasons, some political, some nonpolitical, may not support an issue like this. I would suspect, and I can't-- I can't prove it, but

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I would suspect, you know, from my experience as a police officer that the rank and file police officers would support more legal, legally armed people. There have been plenty of episodes, of incidents where legally armed civilians have assisted the police and prevented loss of life in situations where the police are overwhelmed, you know, an individual police officer is overwhelmed. So I suspect there is a little disconnect between the command staff and the rank and file. You know, again, I can't-- I can't speak for the Omaha Police Department. I will admit I've only lived in Nebraska for about eight months now and, you know, certainly like it. But you know, I think it's-- I suspect that's what's-- that's what you would find if you polled the rank and file officers.

McKINNEY: All right. Thank you.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Doctor. Hopefully, you're not the only doctor to testify today. My question deals more on the medical side and diminished capacity. So in Nebraska, I've had friends that have had strokes and the doctor basically took the driver's license away because for the safety of the public, they don't want them on the road. Do you know and I do not know this so I'm asking you this, in-- in the case of a firearm, I mean, if you find out that they had a concealed carry permit, does a doctor have the power in the state to say you shouldn't be carrying a gun until you're healed up or your-- your capacity is-- is back?

MARK HAMILL: As far as I know, they do not unless you-- unless you get yourself onto the, one of the known prohibitions involuntarily committed for mental illness, you know, or the other-- or the other legal prohibitions that you do not have the right to take anything. And I don't believe it's the-- I don't believe it's the doctor that takes the license. I think they-- they make a recommendation and it's the DM-- it's the DMV in the state that ends up taking the license. I'll be honest, I don't know the process.

BRANDT: OK. All right. Thank you, Doctor.

LATHROP: OK. I don't see any of the questions. Doctor, thanks for being here today. Next proponent.

ALLIE FRENCH: Good afternoon.

LATHROP: Good afternoon. Welcome.

ALLIE FRENCH: My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I'm here today to submit Nebraskans Against Government Overreach and our 5,000-plus members' support for LB773. I do want to point out that this bill, as it seems to me, changes nothing when it comes to the access of obtaining a firearm. And anyone can still walk into a Scheels and purchase a handgun with a \$5 permit from the sheriff's office. But they're already on their own for training after purchasing a legal firearm. This process doesn't go away with LB773. It still will be done when-- where the purchase is made or prior to the purchase by obtaining a handgun purchaser's permit. I am also here today as a barely 100-pound, poor, female resident of Douglas County. And it's been made clear my county and city will not be stepping up to ensure I have the right to this protection. In fact, I cannot even open carry in my county for protection. I have taken my training class. I have passed the test to obtain a CHP, which is exactly why I need LB773 because I am a targeted class. And despite going through the proper training and handling of a firearm, I and my family cannot afford concealed handgun permits. So we are left with zero protection in the public spaces of Omaha. For this reason, I ask for your support for LB773. Thank you.

LATHROP: OK. Thank you for being here. I don't see any questions today. Next proponent.

MATTHEW MAMMOSER: These are a stack of petitions from members. I was not totally aware of them not getting into the record, but those are from our members. I'm just going to read a prepared statement.

LATHROP: Let's have you start by giving us your name so we can get it in the record.

MATTHEW MAMMOSER: My name is Matthew Mammoser, M-a-t-t-h-e-w M-a-m-m-o-s-e-r. Mr. Chairman and members of the committee, thank you for the opportunity to publicly address LB773. My name is Matthew Mammoser and I am a regional director at the National Association for Gun Rights, a member supported organization with tens of thousands of members and supporters in the state of Nebraska. Today, the committee will hear comments on LB773, a bill that is commonly referred to as constitutional carry. On behalf of the National Association for Gun Rights and our members in Nebraska, I come before the committee today in support of LB773. We at NAGR urge the quick passage of this very important piece of legislation. At the heart of the LB773 is the idea that our Second Amendment rights and our right to self-defense should not be subject to the whims of the state. The concept of LB773 and other constitutional carry bills like it are quite simple.

Constitutional carry laws recognize the right of law-abiding citizens to carry a firearm openly or concealed on their person without having to receive government permission in the form of a mandatory state-issued license. This bill does not eliminate the permit system, but maintains it for interstate reciprocity. By rendering the carry permit optional within Nebraska, the state will be joining the likes of 21 other states that have restored this right to their citizens. The number of constitutional carry states continues to grow, and if Nebraska passes this landmark legislation this year, it will be joining a list that includes states which have some of the lowest crime rates in the nation. The National Association for Gun Rights fought hard to pass constitutional carry in these other states, and we will continue until Nebraska is added to the list. As I speak, constitutional carry is currently in place in virtually every neighboring state besides Colorado, and is quickly advancing through the process in Ohio and Indiana, and I believe it's advancing in Georgia as well. So now is an excellent time for Nebraska to join this growing movement. Critics of constitutional carry often argue that this law would create Wild West shootouts and blood will spill out into the streets simply because of the concealed carry permit is rendered optional. Yet there is no evidence for this. In fact, all evidence is in contradicted-- contradiction of this outrageous claim. That is why I urge you to disregard the falsehoods and manipulated statistical interpretations of those who have traded their red coats for red T-shirts. According to FBI crime statistics, states which have passed constitutional carry into law have both lower rates of violence and lower murder rates by firearm than nonconstitutional carry states. Allowing law-abiding citizens to carry their firearm openly or concealed without government intrusion reduces crime. LB773 is a simple bill. It doesn't allow anyone to carry a weapon that cannot legally possess one. Criminals will not suddenly be able to legally carry a gun. Those violent felons barred under the law from legally owning or carrying a gun will still be barred under LB773. The argument that criminals will suddenly be emboldened to illegally carry guns because of constitutional carry is laughable. There is no statistical evidence to back this up. And criminals who carry guns don't want people to know they have them, so they will conceal them anyway. This bill does nothing more than restore law-abiding gun owners' ability to carry a lawfully possessed gun on their person while in public without having to obtain a government permission to do so. With support from our members in Nebraska, I urge you to vote yes on LB773 and advance it to the floor with no weakening amendments. Thank you.

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LATHROP: OK. I don't see any questions today, but thanks for being here.

MATTHEW MAMMOSER: Thank you.

LATHROP: Good afternoon.

DIEGO CASTRO: Good afternoon. My name is Diego Castro, C-a-s-t-r-o, and thank you so much for allowing me to speak. I'm just a citizen. I don't have any expertise whatsoever, but you all take citizen-- your citizenship for granted. I do not. I was born in Latin America. I grew up in Latin America. I lived through civil war dictatorship. I know what it is like. I can feel it. I can still taste it, smell it, and see it in my head every day what it is like to be defenseless before your neighbors, criminals, and before the state. One of the proudest moments in my life was becoming a U.S. citizen. I came here as a young man in the 1970s. In the '80s, I was finally able to become a U.S. citizen and be a part of these inalienable rights that-- that you guys take for granted. I never knew these until I became a citizen of this country, and one of them is, is the Second Amendment is the right to defend myself and to not live in fear. I know what it's like to live in fear. We lived in fear. We, me, my family, etcetera, growing up, we lived in fear. It was such a relief to become an American and acquire and have the ability to defend ourselves and no longer have to live in fear. So I am-- I am a fairly new citizen of Nebraska. We moved here with my wife and my son about six months ago. I retired recently, travel a lot. We moved here from Texas. Since I'm retired, I travel a lot between Texas, Nebraska, and then I've got family up in Montana. Every state I go through, whether I'm going up or going down, has constitutional carry. I'm a full citizen with full rights, right? I drive into Nebraska, I lose that. And all of a sudden, depending on how I'm carrying my means that I have to protect myself and my family, I may become a criminal. I came here with nothing, and now I, you know, and I retired in my late 50s. I did pretty well for myself. I've always paid taxes. I've always been a law-abiding person. And all of a sudden I could become a criminal just by chance because of this law. Right? That's not there because my rights are not full rights, because I'm not a full citizen in Nebraska, like I am, like I was in Texas or like, I am, you know, when I'm driving through Wyoming and so on. So I would urge you to pass this and give us our inalienable, full inalienable rights as-- as they are. And it's something that, you know again, you take for granted. That's a luxury. I don't. I really appreciate that as I appreciate the ability to speak in front of you here. This is unbelievable to me, right, that we can do this in America. So let's go all the way. All right.

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LATHROP: All right.

DIEGO CASTRO: Thank you very much.

LATHROP: Hang on. Let's see--

DIEGO CASTRO: Yes, sir.

LATHROP: --if anybody's got any question for you. I don't see any. Thanks for being here.

DIEGO CASTRO: Thank you.

LATHROP: Next proponent. Good afternoon.

BILL AULTZ: Afternoon. My name is William Aultz. I live in Nebraska City, District 2.

LATHROP: Can you spell that for us, please, sir?

BILL AULTZ: B-i-l-l A-u-l-t-z. I am a current concealed weapon permit owner. I have been for over 10 years, multiple states also. On Monday, I sent out an email to all the legislators asking them a general question and [INAUDIBLE] in that. On Tuesday, I made on my own time to try and call every, every one of them. If I did not reach you, I left a voicemail and so forth, so make it quick. Again, my name is William Aultz. I'm a Navy combat veteran of the Gulf War, father of two daughters; 26, with two of my grandsons and the other one is 24 years old, just married, both born in the USA and Nebraska. By those reasons and by the grace of God and our Constitution, age regulations, they should be allowed to be able to own a firearm to fight govern-- government tyranny and defend themselves and my grandsons if need be. But not. They and everyone here have to fill out an application, pay a fee, and wait for permission. Can anyone here show me where it says that in the Constitution? Speaking of that, Mr. McCollister, when I asked him that email, asked that question replied, I saw nothing mentioned of handguns in the Constitution. Take care. He may or may not have done that, but his staff did. Ladies and gentlemen, that is a perfect example of government tyranny. He does not care what the Constitution is, says, and means. That is why you should vote on LB773 out of committee and send it to the Governor to sign. Thank you for letting me speak today.

LATHROP: Very good. Thanks for being here.

BILL AULTZ: Thank you.

LATHROP: Appreciate hearing from you. Next proponent. Good afternoon.

BYRON MILLISON: Hello. My name is Byron, B-y-r-o-n, Millison, M-i-l-l-i-s-o-n. I'm going to be brief. I won't bore you with a bunch of facts. There will be plenty of other people that have those. It's more personal that I wanted to bring. There are plenty of people who won't go through the process either because they don't want to pay the fee. They don't think they should have to, or they just don't want to go through the whole hassle getting fingerprinted, photographed. And then there are people who just can't go through the process. They can't afford it. They can't make it. I had a good friend die this last year that he was mostly wheelchair bound and he wanted to have a firearm to protect himself. He was able to have one within the home. But the problem is, there's no way for him to carry that outside to conceal it. And even if he could, he would have had to go through the whole process of getting the concealed carry license to do it. He would have had to spend the extra money, which he didn't have a lot of because he went through regular dialysis treatments, went through regular, as I found out, actually after, only after he died, regular cancer treatments. And in situations like that, those people should not be forced to be second-class citizens where they cannot exercise their God-given right. That's all I have to say.

LATHROP: OK, very good. Thanks for being here.

DAN STUKENHOLTZ: Hello.

LATHROP: Good afternoon.

DAN STUKENHOLTZ: Good afternoon. My name is Dan Stukenholtz, it's S-t-u-k-e-n-h-o-l-t-z. I'm here to testify for this. This here right here is my permit. I've had it for 10 years, but it's no good now. It expired in October. I was knee deep in picking corn at the time, so I thought, well, I'm going to have to pay another 100 bucks, give the State Patrol another 100 bucks for something that I've had 10 years and then-- so I decided to get a class together this coming weekend. Nine of the people that are taking this class this weekend, same boat. They got busy, expired. Now they're going to sit through the same class. They're all proficient shooters, you know, all respected people here in Nebraska. And I think it's just ridiculous that we-- that this expired. Does my constitutional right expire? No, it never expires. So that's all I have to say about this bill is that I think it needs to be passed, that we should be able to carry our weapons for our protection and for the community protection. I did four years in the Marine Corps. I was a weapons instructor for nine months. It's not

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rocket science. Most people are responsible. The ones that aren't responsible are the ones that probably shouldn't be having a gun in the first place. So that's all I have to say. Thank you.

LATHROP: OK. Well, thanks for coming down. Oh, Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. I'm just a little curious. We passed a law last year that the State Patrol had to give you 30 days notice before that expired and then upon expiration you had another 30 days grace period. Did you not get a notice from?

DAN STUKENHOLTZ: I did not receive a notice, and none of the nine people that are taking this course this weekend received a notice because one of them brought up to me, I wish the state of Nebraska would do like they do a driver's license, give you 90 days upfront notice that your license is going to expire. So actually, I was driving around two months as a felon because I didn't even look at this till one day I was cleaning my wallet out and oh man, I have been driving around with a concealed weapon in my console. If I would have been stopped by any law enforcement, automatic felony and I'd probably win in court, but it'd cost me a bunch of money and that's-- and this is why I'm testifying today.

LATHROP: Sure, sure. Senator Slama's got a question.

SLAMA: Just to clarify on Senator Brandt's question, I believe the effective date for that bill was the start of this year, so you wouldn't have been covered.

BRANDT: All right.

LATHROP: We did-- Senator Brewer passed a bill last year to give a grace period after it expires so that you don't have to take a class and also that you'd be notified. But I think it's 30 or 60 days out that your permit is about to expire. As Senator Slama noted, it wasn't in effect when your-- when that time went off on your permit so.

DAN STUKENHOLTZ: OK, well, I appreciate it for listening to me today.

LATHROP: Yeah, sure. OK. Good afternoon.

WAYNE McCORMICK: Well, good afternoon. My name is Wayne McCormick, W-a-y-n-e, McCormick, M-c-C-o-r-m-i-c-k. And good afternoon, Chairman Lathrop and the rest of the members of the committee. Thank you for your service to our great state. Thank you for the opportunity to speak today. I live in Columbus, Nebraska, District 22. Mike Moser is

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my representative. I'm retired after spending my working career in Battle Creek, Nebraska, teaching high school mathematics and then working for-- as management in the local power district for the last 23 years. I rise today in support of LB773 introduced by Senator Tom Brewer, which would provide for the carrying of a concealed weapon handgun without a permit and would-- would prohibit regulation of such carrying by cities, villages, and counties. Now we already have the right to conceal carry, and I'll tell you the same thing that I would tell a law enforcement officer that I do have a permit. I am not carrying today. So-- but we are forced as citizens, I guess, to spend a significant amount of time and money to be able to exercise that right. Self-defense should not be restricted to those who have the time, the opportunity, and the money to obtain a permit to carry a concealed weapon, which is a right that we all have. Again, I support LB773 and thank Senator Brewer and all the cosponsors for introducing this bill, and I urge the committee to move this bill out of committee so it can be debated by the entire legislative body. I understand maybe it is a priority bill, so it probably will reach the floor, which I am excited about. And thank you for your time and consideration of LB773. Do you have any questions for me?

LATHROP: I don't see any. Mr. McCormick, you've been here before, haven't you?

WAYNE McCORMICK: Yes, I have.

LATHROP: OK. I recognized--

WAYNE McCORMICK: I appreciate the ability to do this and represent the people that I know and my family and everybody else. So thank you very much.

LATHROP: Very good. Thanks for being here.

WAYNE McCORMICK: Thank you.

LATHROP: Next proponent. Anyone else here to testify in favor of the bill? How many other people want to testify in favor of the bill? OK, so we'll be taking up opposition testimony after this. Thank you. All right. Welcome.

RANDY BENDORF: Senator Lathrop.

LATHROP: Good afternoon.

RANDY BENDORF: Randy Bendorf, B-e-n-d-o-r-f. I want to thank the senators and legislative body for their time and consideration today. But I just threw in here as a last-minute note: The Bill of Rights was attached to the Constitution in 1790, when the Constitution was ratified. That's when constitutional carry was implemented. Vermont is the original state that has always had this. So this isn't something new. It kind of sounds like a lot of people think this is new coming to-- to order, but it's not. This has been there since 1790. Give you a little background resume on myself because it is a very unique perspective, I think I can fill in a lot of the-- the pieces that are missing. I'm 62 now. I started in self-defense at age 10. Two years later, I was instructing at age 12. And then at age 19, I went to work for an international security company as an armed guard guarding VIPs and DDs, and did a lot of traveling. I did air travel for high-value packages, etcetera. I also became a certified firearms instructor and I taught at the security national as well. And I had to sit down with my wife and just kind of think over all these years, 45-plus years doing this, I've had the unique opportunity to teach over 2,000 people in self-defense and firearms instruction and even as a range officer for seven years. What was unique is learning of all the people that first get a firearm so they're new to firearms, and these are people that would never have put their hand on a firearm. But for violent crimes against themselves, family members, loved ones, they felt that they needed that leverage to equal violent criminal. So talking to those individuals gave me just a unique perspective. It's not data that I'm getting from the CDC or the FBI or government. This is-- this is personal data that I collected over 45-plus years. So and I also taught concealed carry. And a common misconception there is concealed carry does not-- does not teach you how to use a firearm to shoot. You shoot at a piece of paper from here to the wall. You can do that on your own. A pistol is not that mechanically complicated that we can't figure it out. It's a trigger. And, I mean, the average American can figure it out. You know, and criminal-- criminals don't apply for permits. They just do what they want. But what's-- what-- what I found really unique and from personal experience I saw this, low-income families, that's definitely a burden. He's talking \$250, \$300 to-- and-- and something people don't realize that we've got to remember we were a lot younger when we were low income. Taking two days off work, that's-- that's a big blow to your paycheck. You don't get paid, that's a lot. You add that on top of that fees, the very people that need access to protection for firearms are those people. So they're probably more likely to incur violent crimes and we're taking that away from them. Just to add a couple of last things because the yellow light is on. When I was in college before I turned 20, Kelly, a very

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good friend of mine, was violently raped and expired from that rape. So that kind of lit a fire under my butt, and I have lifelong friends that are law enforcement officers. Now I have-- there's a few that are our propo-- opponents as well, but gave me a unique perspective to say, yeah, well, this stuff we're saying McKinney, Senator McKinney, you have that concern? A lot of the lower income people, yeah, we're taking that away from them because 250, 300 bucks, couple of days off work, that's-- that's a bigger hurdle. And talking to all these new firearms owners over the years, they waited 10, sometimes 15 years because of that hurdle. It took them a long time to get there. My wife's sister, her husband, took a [INAUDIBLE] left turn, became a bomb maker, was a gang guy selling drugs. She had no way to protect herself. We were up there protecting her. So anyway, a lot of this stuff is extremely true. I'm asking you to-- I know you're out of committee right now to push this thing forward and get people back there, reinstate their original constitutional right from 1790. And Dr. King said something. He's got 50 of the greatest quotes in the world. But if you go about 10 down you'll see "A right delayed is a right denied." And that's absolutely true. It's been taken away from us.

LATHROP: OK.

RANDY BENDORF: Thank you very much. Thanks for your time.

LATHROP: Senator Geist has a question for you.

GEIST: Over here.

RANDY BENDORF: Oh, sorry.

GEIST: So you said you were a instructor, is that correct?

RANDY BENDORF: Yeah, since 12 years old of self-defense. I taught women's self-defense for decades and [INAUDIBLE]

GEIST: For concealed carry, were you a concealed carry?

RANDY BENDORF: Also became concealed carry.

GEIST: OK.

RANDY BENDORF: But I had a nerve and bone disease, so April 2015 I retired from everything.

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GEIST: So when you were instructing, how did you instruct your students to carry appropriately concealed?

RANDY BENDORF: Well, it really depends on the person. Just like myself now, the gun's heavy. You know, a little 380 M&P is really heavy. But access to the weapon, there's pros and cons to everything. If you can carry like law enforcement, that's a great way to draw. But law enforcement has a retention holster so the bad guy can't take it from you. But a person doesn't want to do that, a person doesn't want to open carry because you're making yourself a target. You know, officer does that for a living because he's committed to help people. But the average person, we want to keep that private when we have that out. So there's really no proper way that I can say generally to carry a firearm.

GEIST: OK.

RANDY BENDORF: My wife carries in her purse, which that's-- that's a tough spot, I think. I think it should be on the person because the purse can be yanked off you. You know, there's cables and firearms-carrying purses, and there's no one appropriate way for everybody. And I want to throw this in there, too, because for appropriate carry. It's amazing how many people when they have access to self-defense and the firearms, especially low income, because we're talking about the working class, you know, we seek out-- they seek out the training. When I was young and seeking out, didn't have much money, I got my hands on everything I could for training. Ask my friends that were law enforcement officers since high school, hey, what-- what do you think of this? What do you think of that? What do you think of this? So--

GEIST: Do you think that people, if-- if given the opportunity to constitutional carry, that they're going to have more training than they would--

RANDY BENDORF: Absolutely.

GEIST: --if not given that opportunity?

RANDY BENDORF: Hands down, that's my experience. Once they get a little taste of it and what's available, wow, this opens the doors up to-- to training. I wish-- I wish we had more training for-- have you ever sat at a boat ramp and watched boaters put their boat-- I mean, it's a disaster. So, yeah, they've been--

GEIST: Thank you.

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RANDY BENDORF: --training, training, training, training. That's the best thing on the planet. But just to be clear, concealed carry, you're shooting at a piece of paper. A piece of paper doesn't shoot back. It doesn't move. It's pretty easy. If you've never handled a firearm, I can show you. Sixty seconds and you can do that, no problem.

GEIST: I've handled a firearm.

RANDY BENDORF: So it's like, I don't know personally. Any other questions?

LATHROP: I don't see any.

RANDY BENDORF: All right.

LATHROP: Thanks for being here.

RANDY BENDORF: Oh, thank you, Senator.

LATHROP: And just to be clear, is there anyone else? You're fine. Thank you. Anyone else here that wants to speak in favor of the bill? Seeing none, we will now take opposition testimony. Good afternoon and welcome.

ANTHONY CONNER: Good afternoon. Thank you.

LATHROP: Yeah, go ahead.

ANTHONY CONNER: Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Anthony Conner, A-n-t-h-o-n-y C-o-n-n-e-r. I'm president of the Omaha Police Officers Association. Let me state clearly that the OPOA and the men and women of law enforcement whom we represent strongly support the Second Amendment and legal-- legal gun ownership. Our support for law-abiding citizens that want to legally own and carry a firearm is absolute. I would add that legal gun owners are among this country's strongest and most vocal supporters of law enforcement, and we thank them for that. Additionally, OPOA leadership is grateful to Senator Brewer for his unflinching support of law enforcement. We recognize and appreciate his intentions with this legislation. While we understand the principles upon which this bill was drafted and we support much of the language included in here, we must appear here today in opposition to this bill due to what we believe are perhaps unintended but severe consequences of passing this bill in its current form. OPOA leadership has previously made Senator Brewer aware of these concerns, and we are

working with him in good faith to solve some of the very problematic provisions of law enforce-- provisions to law enforcement. Specifically, Omaha Police Department officers have seized hundreds of illegal firearms from-- from the city's most dangerous gang members in recent years. These illegal gun seizures have led to fewer shootings in Omaha and fewer homicides. In fact, as communities around the country have experienced a dramatic increase in the homicide rates this past year, Omaha was one of the few major cities to experience a decrease in homicides. Again, this is directly related to our ability to get illegal guns off the street and out of the hands of criminals and irresponsible gun possessors. At this time and with this current language, we believe this bill provides multiple unintended loopholes for criminals, known gang members, irresponsible gun possessors, and other prohibited person to avoid prosecution. This bill would hinder our officers' ability to remove firearms from dangerous situations and individuals. I have no doubt that Senator Brewer and his colleagues will support this bill-- who support this bill will do all they can to promote the constitutional carry gun rights of law-abiding citizens while upholding the obligation of law enforcement to keep people safe. We must oppose this bill as it is currently written today, but I thank Senator Brewer for his sincere interest in our concerns, his stated dedication of finding common ground, and I'm hopeful that we can do just that. I also handed out a letter written by Jason Wesch on behalf of our counterparts and the Lincoln Police Union, who couldn't be here today in person, in opposition of this bill for many of the reasons I stated as well for their thoughts. Is there any questions for me? Obviously, I'm here.

LATHROP: OK. Any-- Senator Geist.

GEIST: Thank you. Hi there. I appreciate your testimony. And ever since I read this bill, I've been wondering what in other states that have constitutional carry, can you tell me about how that intersects with police officers, what you've seen, what, what your counterparts have seen?

ANTHONY CONNER: I spoke directly with the president of the police in Kansas City, Missouri, I think their FOP. His name is Brad Lemon and we do what's called site visits where we visit our comparable cities and Kansas City is one of our comparable cities by contract. So when we visited with him, Kansas-- Missouri had just passed their constitutional carry law. This is right about three-- about three or four years ago. And during my conversation with him, he says, now their-- their bills are different than what this bill is. And I will-- I will acknowledge that-- acknowledge that. But he said the problem

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they have with their bill was they were never at the table to discuss things with the legislators when these bills were passed. And it just basically created such a problem where they were not able to seize guns off of people that they knew were up to no good or, you know, violent criminals.

GEIST: OK, so it limited them from being able to perform their regular duty.

ANTHONY CONNER: Their regular duties. You can also look back at the numbers in the homicides in Kansas City, Missouri. At the time, there were over 100 and now I believe last year there were over 200 homicides. So they doubled their homicides in the last few years since this bill passed there.

GEIST: OK.

ANTHONY CONNER: And not, once again, not the same exact bill--

GEIST: OK.

ANTHONY CONNER: --but their constitutional carry bill.

GEIST: May I ask just one follow-up to that?

LATHROP: Certainly.

GEIST: So what would you suggest as a meeting point?

ANTHONY CONNER: You know, Senator, we've sat down with Senator Brewer, and once again, I really appreciate the fact that he brought us to the table to have a conversation with him. And there's a lot of issues that I don't really have all the details to explain--

GEIST: OK.

ANTHONY CONNER: --today because we're just kind of a little bit early and as we still are-- are trying to find that common ground so we can hopefully be either neutral or a proponent of this bill.

GEIST: OK.

ANTHONY CONNER: So we're still working at this point.

GEIST: OK, thank you.

LATHROP: Senator McKinney.

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McKINNEY: Thank you, Senator Lathrop. And thank you, Mr. Conner. My first question, last year a member of the OPOA spoke out as a proponent for Senator Brewer's bill, which excluded Douglas and Lancaster County. Why was that?

ANTHONY CONNER: One of the issues and one of the reasons we would like to have some sort of exclusion for Omaha and Douglas County, as you all know, Lincoln and Omaha are the two biggest cities, high population. Omaha metro area is a million people. It's a big difference. No offense to anyone in western Nebraska, but it's a big difference from carrying a gun in the middle of Omaha, Nebraska, and Cherry County however.

McKINNEY: Why does-- why do you-- can you-- can you explain further why does Omaha need a special gun law except-- outside of the rest of the state?

ANTHONY CONNER: Well, obviously everyone that's paying attention to the news, we have more homicides. They're all in Omaha, in the entire state, the vast majority are in Omaha. So I mean, that's--

McKINNEY: So--

ANTHONY CONNER: --obviously an issue.

McKINNEY: So--

ANTHONY CONNER: --a lot of those shootings.

McKINNEY: --is it your belief urban areas are more inherently violent than the rest of the state?

ANTHONY CONNER: It's my belief that when you have a population density like a metro area like Omaha, Lincoln, or any other major city, you're certainly going to have more violence because it's more people compacted in the smaller area.

McKINNEY: And it was mentioned earlier, I believe, that you guys would like to be able to possibly search individuals that may have bulges when patrolling. Why is that?

ANTHONY CONNER: I have no idea what-- I wasn't here earlier to hear that--

McKINNEY: OK.

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ANTHONY CONNER: --testimony, so--

McKINNEY: That's fair.

ANTHONY CONNER: I'm not aware of that.

McKINNEY: And I guess Omaha and Lincoln probably encompass a lot of the minority populations in the state.

ANTHONY CONNER: Um-hum.

McKINNEY: And excluding them basically says the minority populations in the state of Nebraska don't have the right to contes-- constitutional carry. Are you OK with that?

ANTHONY CONNER: One of the things about when you talk about the concentration of minorities, I mean, the reality is and I did hear Senator Wayne's, who's my senator, his testimony about the majority of black residents in Nebraska live in your district, which is the district I grew up in, by the way, and live in Justin Wayne's district, who is my state senator, that is the concentration of the majority of black-- black residents in the state of Nebraska. But also when you look at the amount of homicide victims, a vast majority of those are also black and brown, unfortunately.

McKINNEY: OK. So-- and my last-- my last question, since your concern, I'm assuming, you can correct me if I'm wrong, you're trying to make sure that these citizens are protected in these areas and may have more violence or more higher crime rates than the rest of the state. So because of that, do the Omaha Police Officers Association and Omaha Police Department plan to go into the Urban Affairs Committee and the Appropriations Committee to support the North Omaha Recovery Plan to improve the environment of the individuals that you guys overincarcerate?

ANTHONY CONNER: I'm going to just disagree a little bit with your statement that I don't believe we overincarcerate black and brown people. I think that's just a misinformation and not-- not based on fact. But I will say that, yes, we are intended on supporting that bill. I've talked to my lobbyist and she'll be reaching out to you--

McKINNEY: That's good.

ANTHONY CONNER: --and offering our support for that bill.

McKINNEY: Thank you.

ANTHONY CONNER: All right.

LATHROP: Senator DeBoer.

ANTHONY CONNER: Yes, ma'am.

DeBOER: Thank you for your testimony. Can you tell me what, from a law enforcement perspective, because as I'm listening to the testimony, the sort of key difference is whether you can carry your gun visibly or not visibly. So what difference does that make for law enforcement?

ANTHONY CONNER: When you're talking about a compacted area like a major city, so imagine if you're sitting in a crowded restaurant in Omaha, Nebraska, or Lincoln, Nebraska, and someone walks in with an exposed gun. That may cause alarm where someone's going to call 911 and then rush the police out there and it happens all the time. I don't know if you're familiar with they call them constitutional checks that they do on YouTube. Some, like, you know, Second Amendment supporters where that-- that's exactly what happened. So then the police will have a response, unfortunately, to those situations. So I personally, if I'm-- if I'm advising someone, I've-- I've taught a few people how to shoot a gun, I would always advise to get a carry conceal permit, take training, carry your gun concealed, don't-- don't wear-- don't carry it open. Because if you carry it open, now you're kind of putting a target on your back and every-- everyone's expecting you to react if some robber or something runs into the place when you may not be in a position to react.

DeBOER: So does it matter for you when you're responding to a call, let's say, if you can see where the weapons are or not? Does that-- does that affect? I would think it would, but I don't know your job so. Does that-- does that affect you or do you just assume everyone's got a gun or how does that work?

ANTHONY CONNER: Well, I mean, it is-- if we're being like as transparent as possible, certainly police officers, we always assume the worst and hope for the best. That's-- that's-- that's our-- our approach on every-- on every call. But as we approach people and especially with the way the language in this bill is written, there is an obligation to actually alert law enforcement that you're carrying concealed, which we appreciated that provision. We just were having some disagreement on the-- the penalties and what those penalties should be.

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DeBOER: Oh, OK. But it does make a difference for you in terms of let's say you don't know who's got it or not.

ANTHONY CONNER: Your reaction is always going to be slower than action.

DeBOER: OK.

ANTHONY CONNER: And police officers are always responding to someone's actions. So it's always going to be slower. So if someone is choosing that their-- their mind's made up that they're going to shoot a police officer, we're already behind the eightball. We're already at a disadvantage automatically.

DeBOER: So the provision would be that no matter what, if I have a weapon on me that you can't see, I have to tell you that.

ANTHONY CONNER: You have to tell me, yes, officer, I'm armed.

DeBOER: Do you-- do you think that the people will do that?

ANTHONY CONNER: I believe so. One of the things I think, once again, why we-- why we believe Senator Brewer's intent was pure here, we do support the Second Amendment. We support citizens carrying guns. We are advocates for-- for CCW permits and-- and we've always-- always have been. But certainly when people that are legal gun owners, they're going to follow the law and they're going to make sure that they're alerting law enforcement. And once again, some of our strongest supporters, so they-- they're on our side when it comes to a lot of issues. So they certainly want to make sure that we're safe. So I believe they will.

DeBOER: You believe that people will tell you that they have a gun.

ANTHONY CONNER: Yes, ma'am.

DeBOER: When you pull them over now and they have CCW permits, that's typically what happens, right?

ANTHONY CONNER: Yes.

DeBOER: You don't typically find that they don't.

ANTHONY CONNER: Well, we do have it in our system. We will know they have a permit. But they, I mean, at least in my experience, they've always told us that they-- that they're armed. I haven't had a

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situation yet in my experience where someone is, with a CC permit did not alert me.

DeBOER: OK. Thank you.

ANTHONY CONNER: You're welcome.

LATHROP: Senator McKinney.

McKINNEY: Thank you, Senator Lathrop. I have a couple more questions. Throughout the years or just-- just generally, how often does the Omaha Police Department prevent gun crimes?

ANTHONY CONNER: I guess I don't know how to-- how to answer that. Could you rephrase it? I mean--

McKINNEY: How often do you stop violent crime, say-- let's say a homicide. How often-- are you guys more reactionary or preventive?

ANTHONY CONNER: We're actually both. And we're also part of preventive, even some of those efforts that we do on the department. So when you talk about the amount of guns that are seized, we have actually had an increase in gun seizures over the last few years. In correlation to that has been a decrease in shootings, a decrease in homicides, things that affect the neighborhood that I grew up in and you grew up in.

McKINNEY: OK. My next question, how many people have-- are arrested yearly for violation of the city ordinance of the CCW that had a valid-- valid gun?

ANTHONY CONNER: I don't know that answer, exact answer, but I know Captain Williamson is here to speak next, and he certainly can answer any technical question like that.

McKINNEY: All right, thank you.

ANTHONY CONNER: You're welcome.

LATHROP: OK. I don't see any other questions. Thanks for being here today. Appreciate it.

ANTHONY CONNER: Thank you, guys.

LATHROP: Good afternoon, welcome.

KEITH WILLIAMSON: Thank you. Good afternoon, Judiciary Committee members. My name is Keith Williamson, K-e-i-t-h W-i-l-l-i-a-m-s-o-n. I'm a captain with the Omaha Police Department. I'm here on behalf of Police Chief Todd Schmaderer in opposition of the proposed bill how it is currently written. The Omaha Police Department strongly supports Second Amendment rights and legal and responsible gun ownership. I have worked with the Omaha Police Department for 22 years, and I have almost a quarter century of law enforcement experience between the Omaha Police Department and the Lincoln Police Department. A significant portion of my career has been dedicated to working within our gang unit as both a detective, a sergeant, a lieutenant in charge of that unit, and now a captain in charge of that section. The Omaha Police Department's gang unit targets the most active drivers of violence [INAUDIBLE]. Gun crimes remain a top priority for the Omaha Police Department and our unit in general. In fact, 45 percent of all seized firearms come from our gang unit. The proposed bill as it is currently written could severely hamper our ability to target and combat violent gun crimes. As currently written, this bill can negate several local Omaha specific ordinances, which have been in place for years to target and reduce gun violence. This bill would counteract some of our local efforts to reduce the gun violence that we've seen increase across the country over the last couple of decades. This bill currently has cloudy language that appears to change the penalties on prohibited person possessing firearms, and there's no enhancement under the current bill for a second offense violation of CCW. Also there is no training requirements for anybody under the age of 18, and it drops the requirement currently from 21 down to 18. What we know is that people the age of 18 to 21 are four times more likely to commit violent gun crimes than those 21 and older. The Omaha Police Department has seized close to 250 firearms from minors between the ages of 18 and 21 in the last two years alone. No holster requirements is also a concern with the current bill. Again, this would allow somebody to carry a gun without any sort of trigger guard. We see almost weekly incidents of negligent discharging in Omaha, where somebody shoots himself in the leg or foot from improper carrying of a firearm. Also having some form of ID, the current CCW law, we have a permit which has a picture ID, having somebody constitutionally carry with no form of government ID would bog down officers, having them to bring in other ways to confirm somebody's identification to make sure they are who they're telling us they are. Our existing laws are working currently in Omaha and we don't feel there's a need to change them. Again, we respect the Second Amendment, people's constitutional right to bear arms. We want to thank Senator Brewer in working with state law enforcement in support of that, and we believe we can find

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common ground on this to make sure we're respecting both citizens' rights to carry and keeping our city safe at this time. Thank you.

LATHROP: Thank you. Senator McKinney.

McKINNEY: Thank you. So a follow-up that I asked Mr. Conner, how many people are arrested yearly for violation of the city ordinance that do have a CCW, but they have a valid gun?

KEITH WILLIAMSON: I don't have the numbers arrested. I can tell you how many gun crimes that we have that are linked to that we have seized if you'd like that. I don't have a specific number because there are several city ordinances. We have CCW city ordinance. We have transporting firearms or-- ordinances, so we have several various laws. We have a registration for firearms ordinance that you can arrest somebody for. So there's different things that somebody could be arrested for. So without a specific which one, I'd have to get that data from our crime analysis unit.

McKINNEY: How would this prevent you from targeting those you deem as a threat to society?

KEITH WILLIAMSON: I'm sorry, could you repeat that?

McKINNEY: How would this prevent the police department from targeting, let's say, gangs or individuals that you believe may be in a gang? How would this prevent you?

KEITH WILLIAMSON: Right. So good, great question, Senator McKinney. So say we get information from the community, which we often do, of maybe somebody that's armed that's a gang member. OK. We then conduct surveillance. We see that person leave in a vehicle, they commit a traffic violation, we stop that car. That person, whether they are prohibited or not, could hand this gun around in that car to somebody who, say, isn't prohibited or not? Or if they are, they could just, you know, we have no way of checking now to see if that gun is (a) registered or (b) if it's actually a stolen firearm from a different jurisdiction like Bellevue or Sarpy County or Colorado or Iowa, because they could just say I'm armed and we have no legal ground then to check that said weapon. You see what I mean? So we would just have to release them and hope that nothing happens, you know, whether that's an area that's plagued with gun violence, shots fired, nonfatal shootings, etcetera, versus now where we could say, OK, the gun has to be unloaded while it's transported in a vehicle unless you have a CCW permit. You know, you have that gun registered with the Omaha Police

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Department if you're a resident of Omaha. There's different layers to help shield us and help protect the neighborhoods that are-- the person is in.

McKINNEY: So are you also OK with excluding counties that primarily encompass minority populations from being able to constitutionally carry? You're OK with that, right?

KEITH WILLIAMSON: I'm OK with secluding counties, is that what you're trying to say?

McKINNEY: Excluding.

KEITH WILLIAMSON: Excluding counties? I believe last year that the Attorney General spoke on that.

McKINNEY: Yes.

KEITH WILLIAMSON: And our stance would be the same as the Attorney General.

McKINNEY: OK, so it's OK in Omaha and Lincoln now.

KEITH WILLIAMSON: I'm sorry.

McKINNEY: So it's OK in Omaha and Lincoln now.

KEITH WILLIAMSON: I would confirm that our department's stance is with what the Attorney General of the State of Nebraska spoke on it.

McKINNEY: OK. And does the Omaha Police Department plan to support the North Omaha Recovery Plan to decrease the propensity of gangs inside of North Omaha, South Omaha and other communities that you deem as [INAUDIBLE]?

KEITH WILLIAMSON: I would imagine we would support that bill. I'm not familiar with it. I'm here to speak on, you know, LB773. I know we do currently work with like the North Omaha Business Improvement District and the 24th Street Business Improvement District to support change in there. So I, again, without-- I don't have any knowledge of that bill, but I would imagine we'd fall in line with that, Yes.

McKINNEY: All right. Thank you.

KEITH WILLIAMSON: You're welcome.

LATHROP: Senator Geist.

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GEIST: Yes, thank you. I just do have one. It's kind of the same question I asked another gentleman of, of-- you mentioned that this has no regulation for how to carry or that the gun has to be holstered. What do you recommend for those who choose to carry concealed, whether constitutional or with a concealed carry permit, what do you recommend for someone who would carry?

KEITH WILLIAMSON: Number one, a holster. Two, again, I would like some sort of government ID. I think that helps us out as it is currently now. Training is big as well. I know somebody spoke on that early when I just walked into the room. They were talking about training. I've been a state certified firearms instructor for 15 years. The idea of just having somebody walk in to, say, a pawn shop in Senator McKinney's district, be able to buy a firearm and literally stick it in their jeans and walk out is reckless probably. Again, no-- no safety on a trigger guard again in an accidental shooting, which we see routinely in my area. Things like that are just commonsense approaches that would help keep everybody, including that gun owner, safe; and they're comfortable operating their firearm that they can legally possess.

GEIST: Thank you.

LATHROP: Senator McKinney.

KEITH WILLIAMSON: Yes, sir.

McKINNEY: I think since 2019 nonfatal shootings have gone up in Omaha. And with the current way we're operating, which is a restriction, why is that?

KEITH WILLIAMSON: So It's complex data. Nonfatal shootings usually correlate with homicides because the victim of a nonfatal shooting has potentially become either the future victim of a homicide or a future homicide suspect. That's what a lot of data shows, what our data shows, and data from other major metropolitan areas. OK, so if you have a high number of nonfatal shootings and a low clearance rate, potentially have high number of homicide rates. So why that number spiked in 2020, it did go up. It has been down since 2019 before that. We also need to look at clearance rate for those nonfatal shootings, too. Because again, if you're solving those nonfatal shootings, if you're getting the people that are shooting and creating that victim, you're potentially stopping the next homicide. You're stopping that retaliation from that nonfatal shooting, which is then going to wreck not only the life of a homicide victim, but the person pulling the

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trigger as well, too. So I would focus on the clearance rates we have, which in Omaha are above the national average for our nonfatal shooting clearance rates.

McKINNEY: And my last thing. So it was mentioned earlier in states that do have constitutional carry, crime rates have not gone up. What do you say to that?

KEITH WILLIAMSON: For what was mentioned, is that the sheet that was handed out earlier?

McKINNEY: Yeah.

KEITH WILLIAMSON: I would-- I would like to see more data on this. You know, we have great community partners in Omaha, Dr. Justin Nix with UNO, Dr. Stone with UNO, we can look at this. Most of the states here are similar to where Nebraska is. We have major metropolitan areas so look at Arizona. I would like to see Arizona's. I would like to see Phoenix's homicide rate as compared to Omaha because again, comparing Omaha and Scottsbluff, right, you're going to have Omaha have 34 or 38 homicides. Scottsbluff maybe has one or two. And if you say overall the numbers have gone down where maybe Omaha's has gone up because we're a major metropolitan area, whereas the rest of the state has a, you know, smaller population base. So it's going to bring those numbers down overall if you compare statewide. So I would like to see the numbers of the major metropolitan areas in those cities to see if those numbers of the nonfatal shootings, the homicide rates have gone up. Also with this, murder is a vague term. Again, somebody can be murdered with hands, a knife, a vehicle, a beer bottle versus shooting. So have the gun homicide rates gone up in the state versus murder rates? Do you understand what I'm saying?

McKINNEY: Yeah.

KEITH WILLIAMSON: So that's a little bit more data here would clean this up because, again, stats can show anything, especially if they're-- they're muddied down and watered down like this could appear to be. Again, a state's a big area. And again, major metropolitan areas, again, in some of these states might have higher rates. I'm not saying they do. I just-- I have some more questions on the sheet [INAUDIBLE].

McKINNEY: So if this was to pass, what would happen in Omaha?

KEITH WILLIAMSON: I don't have a crystal ball, Senator McKinney. I don't know. I would-- I would-- I would think, like President Conner

testified, it would restrict our ability to get guns out of the hands of people with criminal intent, which would then lead to more nonfatal shootings and possibly more homicides. You know, I can't take a gun that's been seized off the streets out of a prohibited person's hand and say this gun right here saved this person's life, right? But the numbers speak for themselves. So if our gun seizures go up, our crime-- our violent crime rate goes down.

McKINNEY: Would you say the disproportion-- the disproportionate amount of [INAUDIBLE] black and brown individuals would decrease if this passed, since it would restrict you guys?

KEITH WILLIAMSON: I don't know. Like President Conner said, we have a disproportionate number of crime victims that are people of color. So it would be irresponsible-- irresponsible on the part of the police department and our chief to deploy resources where, again, there's more crime violence, more homicides, more nonfatal shootings in those areas to protect people when there's disproportionate numbers of that, when you have over 70 percent of our homicides in Lincoln are people of color, African-Americans, Hispanics.

McKINNEY: No, I ask this because the data shows there's a disproportionate amount of black and brown individuals arrested year after year. And if you're saying this would restrict your practices, I would think it would also show if passed, a decreasing amount of disproportionate arrests of black or brown individuals. Yes or no?

KEITH WILLIAMSON: Data showing arrests in general or arrests for gun crimes?

McKINNEY: I would expect the decrease in arrests and gun crimes, both.

KEITH WILLIAMSON: I can't predict what will or will not happen. I'm sorry.

LATHROP: I don't see any other questions for you. Thanks for being here today.

KEITH WILLIAMSON: Thank you.

LATHROP: Appreciate your testimony.

VINCENT LITWINOWICZ: All right. Before I get started, I'm a second-class citizen. There you go. All right. My name is Vincent Litwinowicz.

LATHROP: Are you ready?

VINCENT LITWINOWICZ: Oh, yeah, let's do it.

LATHROP: OK, go ahead.

VINCENT LITWINOWICZ: My name-- oh, good evening, Chairman Lathrop and Senators.

LATHROP: Can you speak up just a little bit?

VINCENT LITWINOWICZ: Yeah, I will. How's this? I'll still do it
[INAUDIBLE] How's that? Sit straight up.

LATHROP: Better.

VINCENT LITWINOWICZ: Hello, Senator Lathrop and Chairman and Senators. And so I'm a second-class citizen. I don't want to be one either. Oh, I didn't get a sheet. Can I have a sheet, please? I don't know where this came from, but I guess it got on there. Somebody doesn't need one, probably somebody doesn't want one. I'm just teasing. All right, so I'm going to skip the first piece because it's a-- anyway, I support the Second Amendment, although not really enchanted with like 507 round clips. Yes, I think some things need to be restricted, and collateral to that are included common sense restrictions to what's available out there on the street. There will be one day looking as far ahead as you can behind, where guns in the hands of the citizens will probably be required to act against tyranny if we're lucky, if we have it. We might have people in the future shooting each other right in this very spot and the flora and fauna infested Judiciary Committee room. I am totally for the Second Amendment, but I tell you what. For one thing, I shall keep going with the text here-- oh, I may need a little extra time because of my cognitive skills. See, I won't abuse it. I just hope, though, I just hope that the good guys manage to capture the machine shops in the Michigan and Nebraska militias in the future. No matter what ill-intended ideologies they hold dear. No matter what. Indeed, power to-- power to the Second Amendment and even probably and particularly concealed weapons permits. My brother has one. You know, he had a-- in Texas took it very seriously and-- and the training applies to all of us, you know, as far as we all need to learn. That's why they have it. They are not Tasers. People need to be safe handling such power. Like for me personally, I would like to see an open-- an open knife where I can carry one three and a half inches longer. You can't currently carry a knife in the open that's three and a half inches longer, can you? Does anybody know? Well, I'd like to. I

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mean, I don't know if that's-- I can't believe nobody in here knows because I'm going to have to be holding the damn thing. If you think I'm going to be able to have a chance to use it, I know better than that. It's going to have to be in my hand. And that's just to make sure-- OK. Anything? OK. To require education and some-- that some wild and willy Yosemite Sam types would especially need. You know, and the training applies-- OK. Finally for me, how about I get to carry an open knife longer than three and a half inches long in my hand while I'm driving because concealed weapons would be of no use. If I had a concealed gun, you kidding me? And I know I have-- I have to have the damn thing in my hand to have a chance of at least wounding that person that he remembers me for the rest of his life. You know, sometimes, yeah, I get that dark. If I can just cut that guy or gut him so he remembers me after he kills me. And so that's, you know, that's kind of what I'm thinking. And I am a target. I was thinking maybe I think somebody could supply me here with a field target I can drape over the back of my chair with my double [INAUDIBLE] that's already on there. And so that's a fact, you know? And as far as some of the other things, I shouldn't be-- OK. Oh. I wonder how many, if there's any data on the kids being killed by having these permits that are, you know, do you put them? Do you always put them away? Does anybody know about the kids dying? And sure-- oh, yeah, some people I know that-- [INAUDIBLE] Oh, I still can't keep-- I have cognitive problems. I hope people ask questions. I'm not going to fight, not today.

LATHROP: OK. Very good.

VINCENT LITWINOWICZ: I got more and that's how I am. I can't-- I'm trying to find techniques but--

LATHROP: Yeah, I think you've communicated your thoughts and we have your written testimony as well.

VINCENT LITWINOWICZ: Now, OK, but there's a lot more. And I respond to that. I would love to talk to some people because I think we could have a good conversation. I guess I'm getting no questions.

LATHROP: I don't see any questions today.

VINCENT LITWINOWICZ: All right.

LATHROP: But thanks for being here.

VINCENT LITWINOWICZ: Super. Well, I certainly feel appreciated. Take care, guys.

LATHROP: Good afternoon.

TERESA EWINS: Hello. Senator Lathrop, Senators, it's nice to be here with you today.

_____: Thank you.

TERESA EWINS: My name is Teresa Ewins, first name is T-e-r-e-s-a, last name is E-w-i-n-s. I'm the chief of police for the Lincoln Police Department. I'm present today to offer testimony in opposition to LB773. Also, I've been asked to state the opp-- there is opposition from the Police Chiefs Association of Nebraska, as well as the Police Officers Association of Nebraska. After a review of this proposed legislation and internal conversations of its impact to our organization and the community of Lincoln. I do-- I have some major concerns. One, I've broken it down into the letter that I wrote into three really specific areas, officer and public safety. While Lincoln is generally a safe community, we have experienced our share of gun violence related to gangs, drugs, and robberies. Allowing persons to freely carry a concealed weapon, and that means handguns, shotguns, knives, and rifles, per this legislation, will make our job of safeguarding Lincoln more difficult. This bill will allow the criminal element of our communities to carry legally as they may not be a prohibited person. Without a permitting process and training, you'll have individuals who shouldn't be carrying and carrying without the proper skills necessary to assess the situation and determine when the lethal force is lawful. This also increases the propensity for mistakes which can result in innocent people being injured, including our officers. Next thing I'd like to point out is background, education, and training. Nebraska's self-defense laws are complex. Those who use a firearm in self-defense must do so lawfully or be exposed to both civil and criminal penalties. Officers are required to go through a background check, hours of training, and certification process. Without requiring a permitting process or training and background checks are required, our communities will not be safe. And then let's just get in-- I know this is a little bit simpler after I've heard everyone's testimony, but the fiscal impact on Lincoln itself. There's many things that are stated here which not only impact law enforcement, but also the fire department in which they have to hand over and it is a "shall" all firearms that they have to take from-- from people they are treating. And a lot of times that is not something that we actually go out and do. And so now we have to do that, and that's actually in the current law. But, you know, we have to adjust to that. We now have to have-- have increased training. What is physical and mental capability? What does that mean? The one thing

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I do want to kind of go off script a little bit is no one's mentioned the need to call 911 in their testimonies. And as a chief of police coming from a city of 800,000 people and working in the worst crime areas, I will tell you not calling 911 is a huge mistake and take it upon yourself to do what law enforcement should do. And I'll leave at that. And I've got my red light.

LATHROP: OK. Any questions? Senator DeBoer.

DeBOER: Sorry. That last point you brought up I thought was interesting, but I didn't-- I didn't totally understand what you were saying, so.

TERESA EWINS: I was rushing through the yellow light.

DeBOER: I know. I figured as much. So I wanted to give you the opportunity to explain what that was because I-- I just wanted to know what you had to say.

TERESA EWINS: So on the physical and mental capability or the fiscal part?

DeBOER: The-- the last part with calling 911 on all of that?

TERESA EWINS: Yeah, I mean, I, look, I am a believer in the Second Amendment. Absolutely. I know some people might have feelings. I've been here for five months. I know, but-- and I am from California. But, you know, I do believe in the Second Amendment and calling 911 is absolutely something that we need to do if you feel there is danger and if you need help. No, we've done a great job in Lincoln. The officers here are tremendous. But if we're not calling 911 to have those officers come out and do what everyone is describing as far as taking action, that-- that's just not a good policy to have.

DeBOER: So you're saying that instead of private citizens reacting to a situation, you would prefer that they call 911 to react?

TERESA EWINS: So training, we go through a lot of training, ongoing training. We recognize what a danger is. Sometimes community members, they're miscategorizing what they see and we'll explain it to them that, OK, so this is what you saw. But is this really a danger? And a lot of times it's not to where they feel danger, but it's not really where you're going to take action? Let me explain this. OK, so-- so escalation of a situation is what I actually fear in this legislation. I can come to you and say, you know what? You need to stop what you're doing right now, because if you're putting yourself in harm's way,

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that's also a problem. You're escalating it. Where it may, if an officer comes, they're going to de-escalate the situation. They may actually have a peaceful ending to it. But if you have somebody that's not trained that doesn't understand that, then it can escalate and get really out of hand. Now, if a community member doesn't like what a police officer is doing, that also can be an escalation where it doesn't need to be. So it's-- it can be an argument that's going to get out of control and then-- and then bad things will happen from that.

DeBOER: So I think what I'm hearing you say is that you want to make sure that those who have been trained have the opportunity to respond to situations because you've been trained to do so. Is that right?

TERESA EWINS: Yes, it's our job.

DeBOER: And then with respect to how it applies to this law or this bill before us, rather, what-- what is-- this is the thing I'm-- I'm wondering, what is the difference between the-- thank you-- what is the difference between a concealed carry permit and-- and just concealed carry without the permit in terms of what you're talking about there? I'm just curious how it's related to this bill.

TERESA EWINS: So when people feel-- when you have the current law, you don't-- you have a separation of the-- the-- the ammunition from the weapon. There's a pause there in which if you're going to take action, you actually have to think about it instead of removing it and shooting. So, you know, when we talk about this, there's-- there's moments when you know danger. And I've been doing this for 26 years and I've worked-- I've worked in very violent areas in San Francisco and I've seen things develop and I understand it. It's just you cannot, as a citizen, jump in because you're interpreting something. You may not even understand what you're seeing. Maybe it's a plain clothes officer. Or maybe it's somebody that-- that you-- you may not agree with and you're going to take action because you think that you're right, another person is wrong.

DeBOER: Thank you.

LATHROP: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for being here, Chief Ewins. Welcome to Lincoln. And welcome to the Judiciary Committee. We're glad to have you here. I-- I agree with your point that we should be having as our first response to call 911. And I appreciate that rather than

having people deciding to take the law into their own hands. And there's a difference between just concealing carry to immediately protect yourself versus concealing carry to become almost a vigilante or somebody who wants to-- to become law enforcement themselves without the training. And I do agree that it makes difficult situations more difficult. I also really like the point in your-- in your testimony, which you really didn't say because you were racing through it, that the state-- if the-- if cost is the-- to the public is the issue, then the state should reduce the permit fee and subsidize training costs. I mean, I think that's a good idea if really the cost is the issue. Those are really good ideas. So I, too, am a supporter of the Second Amendment. I just think that we have to do it wisely and carefully and protect the police. And so thank you for coming to testify today.

TERESA EWINS: Thank you.

LATHROP: I do not see any more questions. Thanks for being here, Chief.

TERESA EWINS: Thank you.

LATHROP: We appreciate hearing from the Lincoln Police Department perspective. Good afternoon and welcome.

CHRISTY ABRAHAM: Thank you, Senator Lathrop and members of the Judiciary Committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m. I'm here representing the League of Nebraska Municipalities, and I come back to a question that Senator Lathrop asked at the beginning of this afternoon about a simple question about what is the difference between constitutional carry and our current concealed carry permit process. And I think the answer was something about, well, training, permits, and the fee involved. I just want to add to that. I think the issue is also the loss of local control, and that's why the League is here today. Historically, the League is always going to oppose any sort of legislation that takes away authority from municipalities. So you'll notice the first few sections of this bill do take authority away from cities to regulate concealed carry. That is a concern that we have, and so I wanted to bring that to the committee and let you know about our concerns. We are very happy to work with Senator Brewer to make any changes that might be necessary to maintain some local control that we currently have. So thank you so much for your time.

LATHROP: That's it?

CHRISTY ABRAHAM: That's it.

LATHROP: It's everything the League has to say.

CHRISTY ABRAHAM: Senator Lathrop--

LATHROP: I'm not mocking you. Most people are well into the yellow light before they're done.

CHRISTY ABRAHAM: And I appreciate that. But I respect your time and that's-- that's it. That's all I've got.

LATHROP: Perfect.

CHRISTY ABRAHAM: OK.

LATHROP: Thank you so much for being here. Any questions for the testifier? I see none. Thanks for coming.

CHRISTY ABRAHAM: Thank you so much.

LATHROP: Good afternoon.

JUDY KING: Good afternoon. My name is Judy King and I'm here today--

LATHROP: Can you spell it for us, please?

JUDY KING: J-u-d-y K-i-n-g.

LATHROP: Thank you.

JUDY KING: And I'm with Nebraska against-- Nebraskans Against Gun Violence. And I'm just going to read the fact sheet that-- regarding this bill. It says LB773 is a bill that repeals background checks, training, and testing for people who cho-- who choose to conceal and carry firearms. LB773 will get rid of required training to carry a concealed handgun. The training is typically eight hours and includes actual demonstrating handling a gun safely. Without the permit act, someone would literally have no experience handling a gun and could conceal carry. LB773 will eliminate the background check to carry a concealed handgun. LB773 will allow people drinking alcohol to carry a concealed handgun. Alcohol increases rates of suicide and firearm assault. LB773 will allow concealed carry in places currently prohibited, including in hospitals, polling places, government buildings, and more. Law enforcement cannot easily know who is legally or illegally carrying-- carrying guns in public. Twenty-nine percent of state and 36 percent of federal prisoners for violent offenses had

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a gun while committing a crime. We can expect an increase in gun crimes if this passes. Where there are more guns, there are more-- there is more death. Intimate partner homicide increased fivefold with the presence of a firearm. In Nebraska in 2019, of 205 firearm deaths, 75 percent-- actually 154 were suicides. More widespread access to firearms is not a solution. Concealed-- concealed permit holders have shot the wrong person. There are also many instances where there is no attack occurring and someone is still injured or killed. Concealed carry is not an effective or safe way to stop crime. That's what this-- that is for Nebraska-- Nebraskans Against Gun Violence. Now I'm going to give my little personal comments. Back in the '80s, prison studies and expert testimony clearly stated that you can't build your way out of our overcrowding crisis in the prison system. And if prisons were built, there weren't enough people to staff them, and the Nebraska taxpayers had to foot the bill. The Nebraska legislators were trying to be tough on crime instead of smart on crime. Overcrowding studies have been done each decade since 1980, but no one has listened-- listened, and of course, taxpayers had to pay for those studies. Nebraska runs about 20 years behind on their thinking about prison systems. Texas, on the other hand, learned the lessons long ago, and they listened to the Criminal Justice Institute and other groups that have studied an overcrowding issue, and they knew the Justice Institute and the other groups that have studied them. They knew how to pull all pieces together: the prison administration, police, judicial systems, all necessary stakeholders to get a well-rounded perspective.

LATHROP: Ms. King, you've got a red light.

JUDY KING: OK.

LATHROP: OK.

JUDY KING: And then they have this bill, which is going to probably put more people in prison.

LATHROP: OK.

JUDY KING: And I have-- can I give one more comment?

LATHROP: You know what? Let's see if there's any questions I have to-- I have to enforce the red light from person to person and from hearing to hearing. And if I don't, it gets away from me and I have problems later on.

JUDY KING: So this is a rebuttal to what Dr. Hamill said earlier.

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LATHROP: I-- I-- you have the red light, so you have to stop I'm afraid, Ms. King.

JUDY KING: OK.

LATHROP: Let's see if there's any questions.

JUDY KING: Would anybody like to hear it?

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. I'd like to correct a couple of things that you testified on. One, you cannot drink alcohol and carry a concealed weapon. That's on page 20 of the bill, line 6. Also, anywhere that a concealed carry today, you cannot carry-- it gives no exemption for a constitutional carry. The same rules apply. You can't go into a bank, a school. It's all outlined right here in the bill. So I just-- just wanted to make that correction.

JUDY KING: OK. Can I make a correction to Dr. Hamill's comment?

BRANDT: Nope.

JUDY KING: OK.

LATHROP: OK, thanks, Ms. King.

JUDY KING: Thanks.

LATHROP: Next opponent.

SHERI ST. CLAIR: Thank you.

LATHROP: Good afternoon.

SHERI ST. CLAIR: I am Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, and I'm speaking here on my own behalf. My concern is that permitless carry, as outlined, would put kids, families, and communities at risk by allowing people to carry hidden loaded handguns in public without proper vetting or safety training. So I went looking for evidence to support this statement, and I found things published in 2015, 2017, 2019, 2021 by researchers at Harvard, Johns Hopkins School of Public Health, and the Pew Charitable Research Foundation that support that where there are more guns, there are more deaths, not just homicides, but also suicides, domestic violence, and violence against police. For example, in Connecticut after the state passed a permit to purchase law for handguns, there was a 40 percent drop in gun homicides and a

15 percent reduction in handgun suicides. In Missouri after the state repealed its handgun permit to purchase law, there was a 23 percent increase in firearm homicides, but no significant increase in nonfirearm homicides, as well as a 16 percent higher handgun suicide rate. A lot of data out there shows over and over again that most Americans think you should get a permit before carrying a concealed gun in public. Most Americans, both gun owners, non gun owners, Republicans, Democrats and Independents agree that high safety standards are critical. I also think that the adoption of permitless carry law takes away a critical tool that law enforcement can use to differentiate between responsible gun owners and those who shouldn't be able to carry a loaded weapon. Overall, states that have weakened their firearm permitting system have experienced an 11 percent increase in handgun homicide rates and a 13 to 15 percent increase in violent crime rates. So since actually using a firearm has a very high likelihood of producing injury or death, I would like assurance that those with a gun have been appropriately vetted and have undertaken safety training. I don't think it's a burden, but rather an acceptance of responsibility to require permits for concealed carry, and I do not support the advancement of LB773.

LATHROP: Got it all in. Very good. Any questions for Ms. St. Clair? I see none. Thanks for being here once again. Welcome. Good afternoon.

SHIRLEY NIEMEYER: Good afternoon. Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r. Honorable sen-- Senators, respectfully, my own position is against LB773 based on the following reports and research. This information is from the NIH, National Institute of Health, the Pew Research Center, Johns Hopkins, and the British Medical Journal and Quinnipiac University Research. Women want gun control more than men. According to the poll from the university, 69 percent of women support gun laws; for men, 47 percent support. The horror of Sandy Hook still resonates, especially with women. One key issue in agreement in the gun control debate is the influence of guns on domestic violence. Many perpetrators of recent mass shootings had a history of domestic violence. Both conservative and liberal politicians have moved to pass legislation to get guns out of the hands of convicted domestic abusers. American women are 16 times more likely to be killed by a gun than women in other developed countries, according to the NIH, National Institute of Health. According to the gun safety group Everytown for Gun Safety, 50 men-- 50 women are shot by their intimate partners every month, and 4.5 million women alive today have been threatened by a gun by an intimate partner. Ninety-four percent of Americans support background checks for all gun buyers, a statistic that's remained consistent since the Sandy Hook

Elementary School shooting. Most Americans, 67 percent, say that Congress is not doing enough to reduce gun violence. Forty-nine percent of Republicans hold that view. According to a study of the U.S. gun control laws by the British Medical Journal resource center, there are higher rates of mass shootings in the U.S. states with more relaxed gun control. U.S. states with more relaxed gun control laws and higher rates of gun ownership have higher rates of mass shootings, according to the research reported in the British Medical Journal. Research suggests that more relaxed permissive state laws and greater numbers of gun owners are linked to higher rates of gun deaths by murder or suicide. Twenty-three percent or about a fourth were classified as domestic, where the victims were the first-degree relatives or partners. From 2010 onward, the gap between permissive and restrictive states started to widen, with rates falling in the restrictive states and rising in the permissive states. The analysis shows that the United States gun laws have become more permissive in recent decades and that a growing divide in the rate of mass shootings appears to be emerging between restrictive and permissive states. So I thank you for the opportunity to testify. I draw your attention to the gun violence in Nebraska and just suicide rates, especially among young people. So I think that this bill, while keeping the permits, will help trace the guns, but also help to prevent some of the violence that we see in our society. Thank you.

LATHROP: OK. Any questions? I see none. Thanks, Ms. Niemeyer.

SHIRLEY NIEMEYER: Thank you.

LATHROP: Good afternoon.

STEPHANIE MACKERPRANG: Good afternoon. Chairman Lathrop, committee members, and staff, thank you for this opportunity to speak to you today. My name is Stephanie Mackeprang S-t-e-p-h-a-n-i-e M-a-c-k-e-p-r-a-n-g. I am a Lincoln resident, a mom, and a domestic gun violence survivor. I am testifying today because LB773 is a dangerous bill that allows individuals to carry concealed loaded guns without a background check or firearm-- fire safety training, firearms safety training. I was 13 in 1977 when my father bought a loaded, unlicensed handgun on a family weekend getaway in Indiana. Recently retired from a career in the Air Force, he turned his coin collecting hobby into a business of buying and selling valuables. Traveling throughout the Midwest, he only used cash so he wanted to have a gun for security, but was denied a license by the Carmel Police Department. After a night of heavy drinking, my father went into a rage and threatened to shoot my mother and brother while I begged him

not to. Although he never pulled the trigger, our family was never the same again. A year later, he kidnapped my mother, drove her to Grissom Air Force Base, and threatened others with gun violence, only to be hospitalized in the VA for a few days and then released. Finally, in 1980, when the police were called to our home during one of his violent rages, they confiscated his gun, arrested him, and helped my mother obtain a restraining order. I don't know the reason the police didn't issue my father, a veteran, a license to carry a firearm, but that denial gave them cause to arrest him and diffuse a potentially deadly situation. We need gun laws that help law enforcement stay on top of people in duress. We have come a long way in understanding the role of mental illness in gun violence, but we still have more work to do. Every month, an average of 57 women are shot and killed by an intimate partner. Gun violence is also the number one cause of death for children in the U.S. This data is from everytown.org. We need checks and balances for acquiring and using deadly-- deadly weapons. I encourage members of the committee to vote no on LB773. This concludes my testimony. Thank you for giving me the opportunity to speak today.

LATHROP: Sure. I do not see any questions for you. Thanks for being here, though. Good afternoon.

JAYDEN SPEED: Good afternoon. My name is Jayden Speed, J-a-y-d-e-n S-p-e-e-d. Good afternoon, Chairman Lathrop, committee members, and staff. Thank you for hearing my testimony today. I'm 17 years old. I attend high school in Cass County, Nebraska. I'm a volunteer with Students Demand Action for Gun Sense in America. I began volunteering in gun violence prevention after the tragic 2018 school shooting in Parkland, Florida. I was only 13 at the time. I'm testifying today because LB773 is a dangerous gun bill. As a student, school safety and numerous tragic attacks at Columbine, Sandy Hook, Parkland, and Oxford and so many others are what drew me into the issue. However, as I became more engaged, more educated on the issue, it's the everyday gun violence that we don't see that harms Nebraska's communities the most. My experience leads me to emphasize that gun deaths in Nebraska have increased 26 percent from 2010 to 2019. Furthermore, gun violence costs Nebraska \$1.2 billion annually. Thirty-three point nine mil-- \$33.9 million of that is paid by the taxpayers. Permitless carry will only increase and bring more everyday gun violence and costs to Nebraska's communities. Emerging data shows that the states that have passed permitless carry legislation are experiencing increases in gun violence. That's just a fact. A 2019 study showed that up to 27 percent increase in Missouri's homicide rate after their permit to purchase law was repealed. Eighty-eight percent of Americans think that you should get a permit before carrying a concealed gun in

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public. It's just common sense. I encourage the members of the committee to vote no on LB773. This concludes my testimony, and thank you for giving me the time to be here today.

LATHROP: Absolutely. Mr. Speed, thanks for being here. I don't see any questions today.

JAYDEN SPEED: Thank you.

LATHROP: Anyone else here to testify in opposition to LB773? I'm kind of looking around because I'm wondering where Senator Brewer is. I will slowly ask if there's any neutral testimony. Generally after neutral testimony, the-- the introducer will close on a bill and--

MORFELD: He's not [INAUDIBLE]

LATHROP: -- we'll give Senator Brewer a moment. Anyone here to testify in a neutral capacity? OK. Well, the last step in this process is to allow Senator Brewer to close. And while we're waiting for him to arrive--

BREWER: Sorry about that.

LATHROP: Let me do one thing before you close if you don't mind. In the-- OK. We have position letters for the record that have been received. We have 196 proponent letters, 30 opponent letters, and 1 in the neutral capacity. Senator Brewer, you may close.

BREWER: Thank you. All right. You guys--

LATHROP: You can take a minute to catch your breath if you need.

BREWER: Well, you guys had a long afternoon and you've been patient. You've asked good questions. Here's-- here's where I think we need to kind of refocus on this. At no point did anyone say that we shouldn't call 911. At no point did anyone say that you should try and somehow perform the duties of a police officer. Again, the idea behind constitutional carry is that you would be able to protect yourself or your family. Somehow, it got twisted into things that it shouldn't have. And you know, the meeting was with the Omaha Police Department. Obviously, we should have met with Lincoln, too, because there's just a lot of information that wasn't accurate and wasn't true. So we're going to have to step back a little bit on that one. We're going to, again, we've met and are working through what will be an amendment that will fill in some of these issues; and a good example that was a second offense for failure to-- to announce that you are in

possession. We also talked about the need to specify 21 years of age, specify that you cannot either have alcohol or a controlled substance in your system and be in possession. So we're willing to work with law enforcement to figure out how we do that and, you know, what does it look like? But the challenge is this, what you heard from the Omaha and Lincoln police departments. What you didn't hear about or from is all of those police and sheriffs' offices all across Nebraska that can't stand down people to send here to testify. So please understand that there are times in this bubble here, what you get is primary Lincoln or Omaha testifiers because they can. They're close enough to come here to testify. So you don't get the pulse of the state on a lot of these issues. This is the pulse of what I'm hearing. Those numbers you just announced, that's the reality of the situation. There is a move afoot that people want the ability to have their Second Amendment right without paying for it, without having a situation where financially you can do it or because of where you live, you're just not going to be able-- to be able to have that. And that's not right, and that's not the way the Constitution designed it. So here's where I'm at. We are going to work with law enforcement to figure out what right looks like. Now the other issue was brought up with the holster. You know, how do we secure that so that it's safe and proper? We're all in favor of that. We want it to be that way. The problem is, sometimes it's hard to-- to work through Bill Drafters and get that verbiage down without them looking at you like you're a Martian, because that's hard to do. And then so that's some of the pains we have to go through to fit this thing so that it's right and so that we don't do something that's unsafe for those that are carrying. But I don't want you to leave here thinking that there isn't a desire to make sure that law enforcement is in a good place with this. You know, I spent time talking to my brother and some of the other sheriffs out in western Nebraska. And again, their issue is there are so many times that they are so short-handed they can't respond to 911. It's easy to say 911 is the answer. But if you remember during the riots, there were periods when you could call 911, you were not going to get responded to. There's a point where being able to protect yourself and your family needs to be your most important thing in life. It should be. So let's figure out how we can still protect those rights and make sure we do it safely. And that's where I want to go with this bill. And that's what I would ask of you today. When you-- when you Exec on this that we look at making sure we bridge that and we get to where we need to be so we can protect people's rights, but also do it in the right way. Thank you.

LATHROP: OK. Senator Pansing Brooks.

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PANSING BROOKS: Thank you for bringing this, Senator Brewer. So just-- just one thing, because you're saying let's just look at Omaha, but Chief Ewins did speak on behalf of the Police Chiefs Association of Nebraska and the Police Officers Association. So just one little thought on that wasn't just Lincoln and Omaha.

BREWER: Well, I would enjoy, you know, talking to the Valentine police chief and the Gordon and Chadron and I'd love to go down a list because I still think that's a, maybe not a fair reflection of the emotions of those little towns that struggle to meet their day-to-day requirements to provide security to the community.

PANSING BROOKS: OK. And one of the other things that somebody talked about that I'm-- I'm a little bit confused about was if somebody-- if somebody is concealed carrying and they come up to a police officer, will they have to say, Officer, I'm-- I'm carrying right now?

BREWER: If they have contact. I mean, obviously, if he walks by you on the street nonissue. But if for some reason you and him have an encounter, that is what you need to do immediately. And that does it and that's why we left it the same with the concealed carry program and constitutional carry that that is a requirement because that-- that officer's safety needs to be number one.

PANSING BROOKS: So that if they don't say something, then they would be charged.

BREWER: They would be. That's a-- that's a misdemeanor, you betcha.

PANSING BROOKS: And also if they're drinking it's a charge.

BREWER: It is.

PANSING BROOKS: OK. Just thank you so much.

LATHROP: Senator Slama.

SLAMA: And just very briefly for the record, my sheriff in Pawnee County wanted to reach out and let everyone know that on the record, he is in support of LB773 for the reasons you listed in rural Nebraska.

LATHROP: OK. I don't see any. Oh, pardon me. Senator McKinney.

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McKINNEY: Thank you. I guess my one question would be what would be the penalty for not complying a second time? I just fear we'll-- we'll create another offense--

BREWER: It is just--

McKINNEY: --and be abused.

BREWER: Failure to notify first offenses is a-- just a misdemeanor. It's-- it's, you know, a minor charge. Your issue is if it happens again, that's where the police union and I, you know, did not agree that it should instantly become a felony. Because I think what happens when you do that is then you clog up the system with, you know, a nonviolent, a non, you know, an issue that he hasn't really hurt anyone, hasn't done anything. He just forgot. And so, you know, we'll have to work through that and figure out what the proper penalty should be there. But it still needs to be-- if you fail to do that, there needs to be a penalty. It's just I think we shouldn't get carried away with it.

McKINNEY: Yeah, that's my concern. I don't want to--

BREWER: Agree.

McKINNEY: --create another felony and be like you just said, clog up the system even further than it already is.

BREWER: Understood.

LATHROP: OK. I don't see any other questions for you.

PANSING BROOKS: I have one more.

LATHROP: Oh, pardon me. Senator Pansing Brooks.

PANSING BROOKS: OK, so also Chief Ewins mentioned that if poverty is an issue or people are having trouble with that, then subsidize the classes and lower the permit fee.

BREWER: Well, I think you'd have a considerable bill with that. I also heard the comments about not having an ID. I guess the question is, what do you do right now if you've stopped someone and they don't have an ID? The concealed carry permit ID, that's an ID, but I don't think that's the answer to providing IDs for everyone. So-- but, you know, again, the cost-- it is prohibitive. But you know, again, I don't know how fair that would be to tax everyone for certain people to have the

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ability to go and do this training. I think there would be some-- some challenges there.

PANSING BROOKS: OK. Thank you for discussing this, I appreciate it.

BREWER: All right.

_____: Sorry, just want to say lots of people have brought up what happened with firearms

[INAUDIBLE] It basically fell slightly. I don't know if you wanted to--

BREWER: OK, OK. What we did was just look at the chart there that had the drop in firearms incidents, homicides after, before and after constitutional carry was implemented.

LATHROP: Sounds like there's data going both ways.

BREWER: A lot of data, there is a lot of data [INAUDIBLE].

LATHROP: We'll see if we can--

BREWER: Sort through it?

LATHROP: --source that out. But thanks for bringing the bill here. And thanks for everyone's participation today.

BREWER: Thank you for your patience.

LATHROP: That will close our hearing on LB773 and that will do it for the day. Thank you

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