

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 77**

FINAL READING

Introduced by Brewer, 43; Aguilar, 35; Albrecht, 17; Ballard, 21; Bostelman, 23; Brandt, 32; Briese, 41; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19; Erdman, 47; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; Lowe, 37; Moser, 22; Murman, 38; Sanders, 45; Slama, 1.

Read first time January 05, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255,  
2 16-227, 17-556, 18-1703, 28-1205, 69-2429, 69-2435, 69-2439,  
3 69-2440, 69-2441, 69-2442, 69-2443, and 69-2445, Reissue Revised  
4 Statutes of Nebraska, and sections 28-101, 28-1201, 28-1202,  
5 28-1351, 28-1354, and 69-2436, Revised Statutes Cumulative  
6 Supplement, 2022; to prohibit regulation of weapons by cities,  
7 villages, and counties; to provide for the carrying of a concealed  
8 handgun without a permit; to change provisions relating to other  
9 concealed weapons; to provide for requirements, limits, and offenses  
10 relating to carrying a concealed handgun; to provide an affirmative  
11 defense; to create the offense of carrying a firearm or destructive  
12 device during the commission of a dangerous misdemeanor; to change  
13 provisions of the Concealed Handgun Permit Act; to provide  
14 penalties; to change, provide, and eliminate definitions; to  
15 harmonize provisions; and to repeal the original sections.  
16 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1703, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 ~~18-1703~~ (1) The Legislature finds and declares that the regulation  
4 of the ownership, possession, storage, transportation, sale, and transfer  
5 of firearms and other weapons is a matter of statewide concern.

6 (2) Notwithstanding the provisions of any home rule charter,  
7 counties, cities, and villages shall not have the power to:

8 (a) Regulate the ownership, possession, storage, transportation,  
9 sale, or transfer of firearms or other weapons, except as expressly  
10 provided by state law; or

11 (b) Require registration of firearms or other weapons.

12 (3) Any county, city, or village ordinance, permit, or regulation in  
13 violation of subsection (2) of this section is declared to be null and  
14 void.

15 ~~Cities and villages shall not have the power to regulate the~~  
16 ~~ownership, possession, or transportation of a concealed handgun, as such~~  
17 ~~ownership, possession, or transportation is authorized under the~~  
18 ~~Concealed Handgun Permit Act, except as expressly provided by state law,~~  
19 ~~and shall not have the power to require registration of a concealed~~  
20 ~~handgun owned, possessed, or transported by a permit holder under the act.~~  
21 ~~Any existing city or village ordinance, permit, or regulation regulating~~  
22 ~~the ownership, possession, or transportation of a concealed handgun, as~~  
23 ~~such ownership, possession, or transportation is authorized under the~~  
24 ~~act, except as expressly provided under state law, and any existing city~~  
25 ~~or village ordinance, permit, or regulation requiring the registration of~~  
26 ~~a concealed handgun owned, possessed, or transported by a permit holder~~  
27 ~~under the act, is declared to be null and void as against any~~  
28 ~~permit holder possessing a valid permit under the act.~~

29 Sec. 2. Section 14-102, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 14-102 In addition to the powers granted in section 14-101, cities

1 of the metropolitan class shall have power by ordinance:

2 (1) To levy any tax or special assessment authorized by law;

3 (2) To provide a corporate seal for the use of the city, and also  
4 any official seal for the use of any officer, board, or agent of the  
5 city, whose duties require an official seal to be used. Such corporate  
6 seal shall be used in the execution of municipal bonds, warrants,  
7 conveyances, and other instruments and proceedings as required by law;

8 (3) To provide all needful rules and regulations for the protection  
9 and preservation of health within the city, including providing for the  
10 enforcement of the use of water from public water supplies when the use  
11 of water from other sources shall be deemed unsafe;

12 (4) To appropriate money and provide for the payment of debts and  
13 expenses of the city;

14 (5) To adopt all such measures as may be deemed necessary for the  
15 accommodation and protection of strangers and the traveling public in  
16 person and property;

17 (6) To punish and prevent ~~the carrying of concealed weapons, except~~  
18 ~~the carrying of a concealed handgun in compliance with the Concealed~~  
19 ~~Handgun Permit Act,~~ and the discharge of firearms, fireworks, or  
20 explosives of any description within the city, other than the discharge  
21 of firearms at a shooting range pursuant to the Nebraska Shooting Range  
22 Protection Act;

23 (7) To regulate the inspection and sale of meats, flour, poultry,  
24 fish, milk, vegetables, and all other provisions or articles of food  
25 exposed or offered for sale in the city;

26 (8) To require all elected or appointed officers to give bond and  
27 security for the faithful performance of their duties, except that no  
28 officer shall become bonded and secured upon the official bond of another  
29 or upon any bond executed to the city;

30 (9) To require from any officer of the city at any time a report, in  
31 detail, of the transactions of his or her office or any matter connected

1 with such office;

2 (10) To provide for the prevention of cruelty to children and  
3 animals;

4 (11) To regulate, license, or prohibit the running at large of dogs  
5 and other animals within the city as well as in areas within the  
6 extraterritorial zoning jurisdiction of the city; to guard against  
7 injuries or annoyance from such dogs and other animals; and to authorize  
8 the destruction of such dogs and other animals when running at large  
9 contrary to the provisions of any ordinance. Any licensing provision  
10 shall comply with subsection (2) of section 54-603 for service animals;

11 (12) To provide for keeping sidewalks clean and free from  
12 obstructions and accumulations; to provide for the assessment and  
13 collection of taxes on real estate and for the sale and conveyance  
14 thereof; and to pay the expenses of keeping the sidewalk adjacent to such  
15 real estate clean and free from obstructions and accumulations as  
16 provided by law;

17 (13) To provide for the planting and protection of shade or  
18 ornamental and useful trees upon streets or boulevards; to assess the  
19 cost of such trees to the extent of benefits upon the abutting property  
20 as a special assessment; to provide for the protection of birds and  
21 animals and their nests; to provide for the trimming of trees located  
22 upon streets and boulevards or when the branches of trees overhang  
23 streets and boulevards when in the judgment of the mayor and city council  
24 such trimming is made necessary to properly light such street or  
25 boulevard or to furnish proper police protection; and to assess the cost  
26 of such trimming upon the abutting property as a special assessment;

27 (14) To provide for, regulate, and require the numbering or  
28 renumbering of houses along public streets or avenues; and to care for  
29 and control and to name and rename streets, avenues, parks, and squares  
30 within the city;

31 (15) To require weeds and worthless vegetation growing upon any lot

1 or piece of ground within the city or its extraterritorial zoning  
2 jurisdiction to be cut and destroyed so as to abate any nuisance  
3 occasioned by such vegetation; to prohibit and control the throwing,  
4 depositing, or accumulation of litter on any lot or piece of ground  
5 within the city or its extraterritorial zoning jurisdiction; to require  
6 the removal of such litter so as to abate any nuisance occasioned  
7 thereby. If the owner fails to cut and destroy weeds and worthless  
8 vegetation or remove litter, or both, after notice as required by  
9 ordinance, the city may assess the cost of such destruction or removal  
10 upon the lots or lands as a special assessment. The required notice may  
11 be by publication in the official newspaper of the city and may be  
12 directed in general terms to the owners of lots and lands affected  
13 without naming such owners;

14 (16) To prohibit and regulate the running at large or the herding or  
15 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,  
16 fowls, or animals of any kind or description within the corporate limits;  
17 to provide for the impounding of all animals running at large, herded, or  
18 driven contrary to such prohibition and regulations; and to provide for  
19 the forfeiture and sale of animals impounded to pay the expense of taking  
20 up, caring for, and selling such impounded animals, including the cost of  
21 advertising and fees of officers;

22 (17) To regulate the transportation of articles through the streets  
23 and to prevent injuries to the streets from overloaded vehicles;

24 (18) To prevent or regulate any amusement or practice having a  
25 tendency to annoy persons passing in the streets or on the sidewalks; and  
26 to regulate the use of vehicles propelled by steam, gas, electricity, or  
27 other motive power, operated on the streets of the city;

28 (19) To regulate or prohibit the transportation and keeping of  
29 gunpowder, oils, and other combustible and explosive articles;

30 (20) To regulate, license, or prohibit the sale of domestic animals  
31 or of goods, wares, and merchandise at public auction on the streets,

1 alleys, highways, or any public ground within the city;

2 (21) To regulate and prevent the use of streets, sidewalks, and  
3 public grounds for signs, posts, awnings, awning posts, scales, or other  
4 like purposes; and to regulate and prohibit the exhibition or carrying or  
5 conveying of banners, placards, advertisements, or the distribution or  
6 posting of advertisements or handbills in the streets or public grounds  
7 or upon the sidewalks;

8 (22) To provide for the punishment of persons disturbing the peace  
9 by noise, intoxication, drunkenness, or fighting, or otherwise violating  
10 the public peace by indecent or disorderly conduct or by lewd and  
11 lascivious behavior;

12 (23) To provide for the punishment of vagrants, tramps, street  
13 beggars, prostitutes, disturbers of the peace, pickpockets, gamblers,  
14 burglars, thieves, persons who practice any game, trick, or device with  
15 intent to swindle, and trespassers upon private property;

16 (24) To prohibit, restrain, and suppress houses of prostitution,  
17 opium joints, gambling houses, prize fighting, dog fighting, cock  
18 fighting, and other disorderly houses and practices, all games and  
19 gambling, and all kinds of indecencies; to regulate and license or  
20 prohibit the keeping and use of billiard tables, bowling alleys, shooting  
21 galleries except as provided in the Nebraska Shooting Range Protection  
22 Act, and other similar places of amusement; and to prohibit and suppress  
23 all lotteries and gift enterprises of all kinds under whatsoever name  
24 carried on, except that nothing in this subdivision shall be construed to  
25 apply to bingo, lotteries, lotteries by the sale of pickle cards, or  
26 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska  
27 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the  
28 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

29 (25) To make and enforce all police regulations for the good  
30 government, general welfare, health, safety, and security of the city and  
31 the citizens of the city in addition to the police powers expressly

1 granted by law; in the exercise of the police power, to pass all needful  
2 and proper ordinances and impose fines, forfeitures, and penalties for  
3 the violation of any ordinance; to provide for the recovery, collection,  
4 and enforcement of such fines; and in default of payment to provide for  
5 confinement in the city or county prison or other place of confinement as  
6 may be provided by ordinance;

7 (26) To prevent immoderate driving on the street;

8 (27) To establish and maintain public libraries, art galleries, and  
9 museums and to provide the necessary grounds or buildings for such  
10 libraries, galleries, and museums; to purchase books, papers, maps,  
11 manuscripts, works of art, and objects of natural or of scientific  
12 curiosity and instruction for such libraries, galleries, and museums; to  
13 receive donations and bequests of money or property for such libraries,  
14 galleries, and museums in trust or otherwise; and to pass necessary  
15 bylaws and regulations for the protection and government of such  
16 libraries, art galleries, and museums;

17 (28) To erect, designate, establish, maintain, and regulate  
18 hospitals, houses of correction, jails, station houses, fire engine  
19 houses, asphalt repair plants, and other necessary buildings; to erect,  
20 designate, establish, maintain, and regulate plants for the removal,  
21 disposal, or recycling of garbage and refuse or to make contracts for  
22 garbage and refuse removal, disposal, or recycling, or all of the same;  
23 and to charge equitable fees for such removal, disposal, or recycling, or  
24 all of the same, except as provided by law. The fees collected pursuant  
25 to this subdivision shall be credited to a single fund to be used  
26 exclusively by the city for the removal, disposal, or recycling of  
27 garbage and refuse, or all of the same, including any costs incurred for  
28 collecting the fee. Before any contract for such removal, disposal, or  
29 recycling is let, the city council shall make specifications for such  
30 contract, bids shall be advertised for as now provided by law, and the  
31 contract shall be let to the lowest and best bidder, who shall furnish

1 bond to the city conditioned upon his or her carrying out the terms of  
2 the contract, the bond to be approved by the city council. Nothing in  
3 this section, and no contract or regulation made by the city council,  
4 shall be so construed as to prohibit any person, firm, or corporation  
5 engaged in any business in which garbage or refuse accumulates as a  
6 byproduct from selling, recycling, or otherwise disposing of his, her, or  
7 its garbage or refuse or hauling such garbage or refuse through the  
8 streets and alleys under such uniform and reasonable regulations as the  
9 city council may by ordinance prescribe for the removal and hauling of  
10 garbage or refuse;

11 (29) To erect and establish market houses and market places and to  
12 provide for the erection of all other useful and necessary buildings for  
13 the use of the city and for the protection and safety of all property  
14 owned by the city. Such market houses, market places, and buildings may  
15 be located on any street, alley, or public ground or on land purchased  
16 for such purpose;

17 (30) To prohibit the establishment of additional cemeteries within  
18 the limits of the city; to regulate the registration of births and  
19 deaths; to direct the keeping and returning of bills of mortality; and to  
20 impose penalties on physicians, sextons, and others for any default in  
21 the premises;

22 (31) To provide for the inspection of steam boilers, electric light  
23 appliances, pipefittings, and plumbings; to regulate their erection and  
24 construction; to appoint inspectors; and to declare their powers and  
25 duties, except as otherwise provided by law;

26 (32) To enact a fire code and regulate the erection of all buildings  
27 and other structures within the corporate limits; to provide for the  
28 removal of any buildings or structures or additions to buildings or  
29 structures erected contrary to such code or regulations and to provide  
30 for the removal of dangerous buildings; but no such code or regulation  
31 shall be suspended or modified by resolution, nor shall exceptions be

1 made by ordinance or resolution in favor of any person, firm, or  
2 corporation or concerning any particular lot or building; to direct that  
3 when any building has been damaged by fire, decay, or otherwise, to the  
4 extent of fifty percent of the value of a similar new building above the  
5 foundation, shall be torn down or removed; to prescribe the manner of  
6 ascertaining such damages and to assess the cost of removal of any  
7 building erected or existing contrary to such code or regulations against  
8 the lot or real estate upon which such building or structure is located  
9 or shall be erected or to collect such costs from the owner of any such  
10 building or structure; and to enforce the collection of such costs by  
11 civil action in any court of competent jurisdiction;

12 (33) To regulate the construction, use, and maintenance of party  
13 walls, to prescribe and regulate the thickness, strength, and manner of  
14 constructing stone, brick, wood, or other buildings and the size and  
15 shape of brick and other material placed in such buildings; to prescribe  
16 and regulate the construction and arrangement of fire escapes and the  
17 placing of iron and metallic shutters and doors in or on such fire  
18 escapes; to provide for the inspection of elevators; to prescribe,  
19 regulate, and provide for the inspection of all plumbing, pipefitting, or  
20 sewer connections in all houses or buildings now or hereafter erected; to  
21 regulate the size, number, and manner of construction of halls, doors,  
22 stairways, seats, aisles, and passageways of theaters and buildings of a  
23 public character, whether now built or hereafter to be built, so that  
24 there may be convenient, safe, and speedy exit in case of fire; to  
25 prevent the dangerous construction and condition of chimneys, fireplaces,  
26 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used  
27 in or about any building and to cause such appliances to be removed or  
28 placed in safe condition when they are considered dangerous; to prevent  
29 the deposit of ashes in unsafe places and to cause such buildings and  
30 enclosures as may be in a dangerous state to be put in a safe condition;  
31 to prevent the disposing of and delivery or use in any building or other

1 structure of unsuitable building material within the city limits and  
2 provide for the inspection of building materials; to provide for the  
3 abatement of dense volumes of smoke; to regulate the construction of  
4 areaways, stairways, and vaults and to regulate partition fences; and to  
5 enforce proper heating and ventilation of buildings used for schools or  
6 other buildings where large numbers of persons are liable to congregate;

7 (34) To regulate levees, depots and depot grounds, and places for  
8 storing freight and goods and to provide for and regulate the laying of  
9 tracks and the passage of railways through the streets, alleys, and  
10 public grounds of the city;

11 (35) To require the lighting of any railway within the city and to  
12 fix and determine the number, size, and style of all fixtures and  
13 apparatus necessary for such lighting and the points of location for such  
14 lampposts. If any company owning or operating such railways shall fail to  
15 comply with such requirements, the city council may cause such lighting  
16 to be done and may assess the expense of such lighting against such  
17 company. Such expense shall constitute a lien upon any real estate  
18 belonging to such company and lying within such city and may be collected  
19 in the same manner as taxes for general purposes;

20 (36) To provide for necessary publicity and to appropriate money for  
21 the purpose of advertising the resources and advantages of the city;

22 (37) To erect, establish, and maintain offstreet parking areas on  
23 publicly owned property located beneath any elevated segment of the  
24 National System of Interstate and Defense Highways or portion thereof, or  
25 public property title to which is in the city on May 12, 1971, or  
26 property owned by the city and used in conjunction with and incidental to  
27 city-operated facilities; and to regulate parking on such property by  
28 time limitation devices or by lease;

29 (38) To acquire, by the exercise of the power of eminent domain or  
30 otherwise, lease, purchase, construct, own, maintain, operate, or  
31 contract for the operation of public passenger transportation systems,

1 excluding taxicabs, transportation network companies and railroad  
2 systems, including all property and facilities required for such public  
3 passenger transportation systems, within and without the limits of the  
4 city; to redeem such property from prior encumbrance in order to protect  
5 or preserve the interest of the city in such property; to exercise all  
6 powers granted by the Constitution of Nebraska and laws of the State of  
7 Nebraska or exercised by or pursuant to a home rule charter adopted  
8 pursuant thereto, including, but not limited to, receiving and accepting  
9 from the government of the United States or any agency thereof, from the  
10 State of Nebraska or any subdivision thereof, and from any person or  
11 corporation donations, devises, gifts, bequests, loans, or grants for or  
12 in aid of the acquisition, operation, and maintenance of such public  
13 passenger transportation systems; to administer, hold, use, and apply  
14 such donations, devises, gifts, bequests, loans, or grants for the  
15 purposes for which such donations, devises, gifts, bequests, loans, or  
16 grants may have been made; to negotiate with employees and enter into  
17 contracts of employment; to employ by contract or otherwise individuals  
18 singularly or collectively; to enter into agreements authorized under the  
19 Interlocal Cooperation Act or the Joint Public Agency Act; to contract  
20 with an operating and management company for the purpose of operating,  
21 servicing, and maintaining any public passenger transportation systems  
22 the city shall acquire; and to exercise such other and further powers as  
23 may be necessary, incident, or appropriate to the powers of the city; and  
24 (39) In addition to powers conferred elsewhere in the laws of the  
25 state, to implement and enforce an air pollution control program within  
26 the corporate limits of the city under subdivision (23) of section  
27 81-1504 or subsection (1) of section 81-1528, which program shall be  
28 consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et  
29 seq. Such powers shall include without limitation those involving  
30 injunctive relief, civil penalties, criminal fines, and burden of proof.  
31 Nothing in this section shall preclude the control of air pollution by

1 resolution, ordinance, or regulation not in actual conflict with state  
2 air pollution control regulations.

3 Sec. 3. Section 15-255, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 15-255 A city of the primary class may (1) prohibit riots, routs,  
6 noise, or disorderly assemblies, (2) prevent the discharge use of  
7 firearms, rockets, powder, fireworks, or other dangerous and combustible  
8 material, (3) ~~prohibit carrying of concealed weapons, except the carrying~~  
9 ~~of a concealed handgun in compliance with the Concealed Handgun Permit~~  
10 ~~Act,~~ (4) regulate and prevent the transportation of gunpowder or  
11 combustible articles, tar, pitch, resin, coal oil, benzine, turpentine,  
12 hemp, cotton, nitroglycerine, dynamite, petroleum or its products, or  
13 other explosives or inflammables, (4) (5) regulate use of lights in  
14 stables, shops, or other places and building of bonfires, and (5) (6)  
15 regulate and prohibit the piling of building material or any excavation  
16 or obstruction of the streets.

17 Sec. 4. Section 16-227, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 16-227 A city of the first class may (1) prevent and restrain riots,  
20 routs, noises, disturbances, breaches ~~breach~~ of the peace, or disorderly  
21 assemblies in any street, house, or place in the city, (2) regulate,  
22 punish, and prevent the discharge of firearms, rockets, powder,  
23 fireworks, or any other dangerous combustible material in the streets,  
24 lots, grounds, and alleys or about or in the vicinity of any buildings,  
25 (3) ~~regulate, prevent, and punish the carrying of concealed weapons,~~  
26 ~~except the carrying of a concealed handgun in compliance with the~~  
27 ~~Concealed Handgun Permit Act,~~ (4) arrest, regulate, punish, or fine  
28 vagabonds, (4) (5) regulate and prevent the transportation or storage of  
29 gunpowder or other explosive or combustible articles, tar, pitch, resin,  
30 coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite,  
31 petroleum or any other productions thereof, and other materials of like

1 nature, the use of lights in stables, shops, or other places, and the  
2 building of bonfires, and ~~(5) (6)~~ regulate and prohibit the piling of  
3 building material or any excavation or obstruction in the street.

4 Sec. 5. Section 17-556, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 17-556 Cities of the second class and villages shall have the power  
7 to (1) prevent and restrain riots, routs, noises, disturbances, or  
8 disorderly assemblages, (2) regulate, prevent, restrain, or remove  
9 nuisances and to designate what shall be considered a nuisance, (3)  
10 regulate, punish, and prevent the discharge of firearms, rockets, powder,  
11 fireworks, or any other dangerous combustible material in the streets,  
12 lots, grounds, alleys, or about or in the vicinity of any buildings, ~~(4)~~  
13 ~~regulate, prevent, and punish the carrying of concealed weapons, except~~  
14 ~~the carrying of a concealed handgun in compliance with the Concealed~~  
15 ~~Handgun Permit Act,~~ and (4) (5) arrest, regulate, punish, or fine all  
16 vagrants.

17 Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701  
20 and sections 9, 10, 11, and 12 of this act shall be known and may be  
21 cited as the Nebraska Criminal Code.

22 Sec. 7. Section 28-1201, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections  
25 9, 10, 11, and 12 of this act, unless the context otherwise requires:

26 (1) Case means (a) a hard-sided or soft-sided box, container, or  
27 receptacle intended or designed for the primary purpose of storing or  
28 transporting a firearm or (b) the firearm manufacturer's original  
29 packaging. This definition does not apply to section 28-1204.04;

30 (2) Concealed handgun means a handgun that is entirely obscured from  
31 view. If any part of the handgun is capable of being seen or observed by

1 another person, it is not a concealed handgun;

2 ~~(3) (1)~~ Firearm means any weapon which is designed to or may readily  
3 be converted to expel any projectile by the action of an explosive or  
4 frame or receiver of any such weapon;

5 ~~(4) (2)~~ Fugitive from justice means any person who has fled or is  
6 fleeing from any peace officer to avoid prosecution or incarceration for  
7 a felony;

8 ~~(5) (3)~~ Handgun means any firearm with a barrel less than sixteen  
9 inches in length or any firearm designed to be held and fired by the use  
10 of a single hand;

11 ~~(6) (4)~~ Juvenile means any person under the age of eighteen years;

12 ~~(7) (5)~~ Knife means:

13 (a) Any dagger, dirk, knife, or stiletto with a blade over three and  
14 one-half inches in length and which, in the manner it is used or intended  
15 to be used, is capable of producing death or serious bodily injury; or

16 (b) Any other dangerous instrument which is capable of inflicting  
17 cutting, stabbing, or tearing wounds and which, in the manner it is used  
18 or intended to be used, is capable of producing death or serious bodily  
19 injury;

20 ~~(8) (6)~~ Knuckles and brass or iron knuckles means any instrument  
21 that consists of finger rings or guards made of a hard substance and that  
22 is designed, made, or adapted for the purpose of inflicting serious  
23 bodily injury or death by striking a person with a fist enclosed in the  
24 knuckles;

25 ~~(9) (7)~~ Machine gun means any firearm, whatever its size and usual  
26 designation, that shoots automatically more than one shot, without manual  
27 reloading, by a single function of the trigger;

28 (10)(a) Minor means a person who is under twenty-one years of age.

29 (b) Minor does not include a person who is eighteen years of age or  
30 older if the person is (i) a member of the armed forces of the United  
31 States, active or reserve, National Guard of this state, or Reserve

1 Officers' Training Corps or (ii) a peace officer or other duly authorized  
2 law enforcement officer;

3 (11)(a) Prohibited person means:

4 (i) A person prohibited from possessing a firearm or ammunition by  
5 state law, including, but not limited to, section 28-1206; or

6 (ii) A person prohibited from possessing a firearm or ammunition by  
7 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.

8 (b) This definition does not apply to the use of the term prohibited  
9 person in section 28-1206;

10 (12) Qualified law enforcement officer and qualified retired law  
11 enforcement officer have the same meanings as in 18 U.S.C. 926B and 926C,  
12 respectively, as such sections existed on January 1, 2023;

13 (13) ~~(8)~~ School means a public, private, denominational, or  
14 parochial elementary, vocational, or secondary school, a private  
15 postsecondary career school as defined in section 85-1603, a community  
16 college, a public or private college, a junior college, or a university;

17 (14) ~~(9)~~ Short rifle means a rifle having a barrel less than sixteen  
18 inches long or an overall length of less than twenty-six inches; and

19 (15) ~~(10)~~ Short shotgun means a shotgun having a barrel or barrels  
20 less than eighteen inches long or an overall length of less than twenty-  
21 six inches.

22 Sec. 8. Section 28-1202, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 28-1202 (1) A minor or a prohibited ~~(1)(a)~~ Except as otherwise  
25 provided in this section, any person shall not carry who carries a weapon  
26 or weapons concealed on or about his or her person, such as a handgun, a  
27 knife, brass or iron knuckles, or any other deadly weapon, ~~commits the~~  
28 offense of carrying a concealed weapon.

29 (2) A violation of this section is a Class I misdemeanor for a first  
30 offense and a Class IV felony for a second or subsequent offense.

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

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

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

9 ~~(3)(a) This section does not apply to storing or transporting a~~  
10 ~~firearm in a motor vehicle for any lawful purpose or to transporting a~~  
11 ~~firearm directly to or from a motor vehicle to or from any place where~~  
12 ~~such firearm may be lawfully possessed or carried by such person, if such~~  
13 ~~firearm is unloaded, kept separate from ammunition, and enclosed in a~~  
14 ~~case. This subsection shall not apply to any person prohibited by state~~  
15 ~~or federal law from possessing, carrying, transporting, shipping, or~~  
16 ~~receiving a firearm.~~

17 ~~(b) For purposes of this subsection, case means (i) a hard-sided or~~  
18 ~~soft-sided box, container, or receptacle intended or designed for the~~  
19 ~~primary purpose of storing or transporting a firearm or (ii) the firearm~~  
20 ~~manufacturer's original packaging.~~

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

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

24 Sec. 9. Section 69-2441, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 69-2441 (1) Except as otherwise provided in this section, a person,  
27 other than a minor or a prohibited person, (1)(a) A permit holder may  
28 carry a concealed handgun anywhere in Nebraska, with or without a permit  
29 under the Concealed Handgun Permit Act.

30 (2) Except as provided in subsection (10) of this section, a person  
31 shall not carry a concealed handgun into or onto any place or premises

1 where the person, persons, entity, or entities in control of the place or  
2 premises or employer in control of the place or premises has prohibited  
3 the carrying of concealed handguns into or onto the place or premises.

4 (3) Except as provided in subsection (10) of this section, a person  
5 shall not carry a concealed handgun into or onto except any: Police,  
6 sheriff, or Nebraska State Patrol station or office; detention facility,  
7 prison, or jail; courtroom or building which contains a courtroom;  
8 polling place during a bona fide election; meeting of the governing body  
9 of a county, public school district, municipality, or other political  
10 subdivision; meeting of the Legislature or a committee of the  
11 Legislature; financial institution; professional or semiprofessional  
12 athletic event; building, grounds, vehicle, or sponsored activity or  
13 athletic event of any public, private, denominational, or parochial  
14 elementary, vocational, or secondary school, a private postsecondary  
15 career school as defined in section 85-1603, a community college, or a  
16 public or private college, junior college, or university; place of  
17 worship; hospital, emergency room, or trauma center; political rally or  
18 fundraiser; establishment having a license issued under the Nebraska  
19 Liquor Control Act that derives over one-half of its total income from  
20 the sale of alcoholic liquor; place where the possession or carrying of a  
21 firearm is prohibited by state or federal law; ~~a place or premises where~~  
22 ~~the person, persons, entity, or entities in control of the property or~~  
23 ~~employer in control of the property has prohibited permitholders from~~  
24 ~~carrying concealed handguns into or onto the place or premises; or into~~  
25 ~~or onto~~ any other place or premises where handguns are prohibited by  
26 state law.

27 (4)(a) ~~(b)~~ A financial institution may authorize its security  
28 personnel to carry concealed handguns in the financial institution while  
29 on duty so long as each member of the security personnel, as authorized,  
30 is not otherwise prohibited by state law from possessing or carrying a  
31 concealed handgun and is in compliance with sections 10, 11, and 12 of

1 ~~this act the Concealed Handgun Permit Act and possesses a permit to carry~~  
2 ~~a concealed handgun issued pursuant to the act.~~

3 (b) ~~(c)~~ A place of worship may authorize its security personnel to  
4 carry concealed handguns on its property if:

5 (i) ~~Each so long as each~~ member of the security personnel, as  
6 authorized, is not otherwise prohibited by state law from possessing or  
7 carrying a concealed handgun and is in compliance with sections 10, 11,  
8 and 12 of this act;

9 (ii) ~~Written the Concealed Handgun Permit Act and possesses a permit~~  
10 ~~to carry a concealed handgun issued pursuant to the act and written~~  
11 notice is given to the congregation; and

12 (iii) For leased property, ~~if the property is leased,~~ the carrying  
13 of concealed handguns on the property does not violate the terms of any  
14 real property lease agreement between the place of worship and the  
15 lessor.

16 (5) ~~(2)~~ If a person, persons, entity, or entities in control of the  
17 place or premises ~~property~~ or an employer in control of the place or  
18 premises ~~property~~ prohibits the ~~a permitholder~~ from carrying of a  
19 concealed handguns ~~handgun~~ into or onto the place or premises and such  
20 place or premises are open to the public, a person ~~permitholder~~ does not  
21 violate this section unless the person, persons, entity, or entities in  
22 control of the place or premises ~~property~~ or employer in control of the  
23 place or premises ~~property~~ has posted conspicuous notice that carrying a  
24 concealed handgun is prohibited in or on the place or premises or has  
25 made a request, directly or through an authorized representative or  
26 management personnel, that the person ~~permitholder~~ remove the concealed  
27 handgun from the place or premises.

28 (6) ~~(3)~~ A person ~~permitholder~~ carrying a concealed handgun in a  
29 vehicle or on his or her person while riding in or on a vehicle into or  
30 onto any parking area, which is open to the public, used by any location  
31 listed in subsection (2) or (3) subdivision (1)(a) of this section, does

1 not violate this section if, prior to exiting the vehicle, the handgun is  
2 locked inside the glove box, trunk, or other compartment of the vehicle,  
3 a storage box securely attached to the vehicle, or, if the vehicle is a  
4 motorcycle, other than an autocycle, a hardened compartment securely  
5 attached to the motorcycle. This subsection does not apply to any parking  
6 area used by such location when the carrying of a concealed handgun into  
7 or onto such parking area is prohibited by federal law.

8 (7) (4) An employer may prohibit employees or other persons ~~who are~~  
9 ~~permitholders~~ from carrying concealed handguns in vehicles owned by the  
10 employer.

11 (8) A violation of this section is a Class III misdemeanor for a  
12 first offense and a Class I misdemeanor for any second or subsequent  
13 offense.

14 (9)(a) Except as provided in subdivision (9)(b) of this section, it  
15 is an affirmative defense to a violation of subsection (3) of this  
16 section that the defendant was engaged in any lawful business, calling,  
17 or employment at the time the defendant was carrying a concealed handgun  
18 and the circumstances in which the defendant was placed at the time were  
19 such as to justify a prudent person in carrying a concealed handgun for  
20 the defense of his or her person, property, or family.

21 (b) The affirmative defense provided for in this subsection:

22 (i) Does not prevent a prosecution for a violation of section  
23 28-1204.04; and

24 (ii) Is not available if the defendant refuses to remove the  
25 concealed handgun from the place or premises after a person in control of  
26 the place or premises has made a request, directly or through an  
27 authorized representative or management personnel, that the defendant  
28 remove the concealed handgun from the place or premises.

29 (10) Subsections (2) and (3) of this section do not apply to a  
30 qualified law enforcement officer or qualified retired law enforcement  
31 officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C,

1 respectively, as such sections existed on January 1, 2023.

2 ~~(5) A permitholder shall not carry a concealed handgun while he or~~  
3 ~~she is consuming alcohol or while the permitholder has remaining in his~~  
4 ~~or her blood, urine, or breath any previously consumed alcohol or any~~  
5 ~~controlled substance as defined in section 28-401. A permitholder does~~  
6 ~~not violate this subsection if the controlled substance in his or her~~  
7 ~~blood, urine, or breath was lawfully obtained and was taken in~~  
8 ~~therapeutically prescribed amounts.~~

9 Sec. 10. (1) Except as provided in subsections (2), (3), and (4) of  
10 this section, a person not otherwise prohibited by state law from  
11 possessing or carrying a concealed handgun shall not carry a concealed  
12 handgun while such person:

13 (a) Is consuming alcohol; or

14 (b) Has remaining in such person's blood, urine, or breath any  
15 previously consumed alcohol or any controlled substance as defined in  
16 section 28-401.

17 (2) A person does not violate this section if the controlled  
18 substance in such person's blood, urine, or breath was lawfully obtained  
19 and was taken in therapeutically prescribed amounts.

20 (3) A person does not violate this section if:

21 (a) Such person is storing or transporting a handgun in a motor  
22 vehicle for any lawful purpose or transporting a handgun directly to or  
23 from a motor vehicle to or from any place where such handgun may be  
24 lawfully possessed or carried by such person; and

25 (b) Such handgun is unloaded, kept separate from ammunition, and  
26 enclosed in a case.

27 (4) This section does not apply to a qualified law enforcement  
28 officer or qualified retired law enforcement officer carrying a concealed  
29 handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such  
30 sections existed on January 1, 2023.

31 (5) A violation of this section is a Class III misdemeanor for a

1 first offense and a Class I misdemeanor for any second or subsequent  
2 offense.

3       Sec. 11. (1)(a) This section applies to a person who is not  
4 otherwise prohibited by state law from possessing or carrying a concealed  
5 handgun.

6       (b) This section does not apply to a qualified law enforcement  
7 officer or qualified retired law enforcement officer carrying a concealed  
8 handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such  
9 sections existed on January 1, 2023.

10       (2) Except as provided in subsection (3) of this section, any time a  
11 person is carrying a concealed handgun, such person shall also carry such  
12 person's identification document. The person shall display the  
13 identification document when asked to do so by a peace officer or by  
14 emergency services personnel.

15       (3) A person is not required to comply with this section if:

16       (a) Such person is storing or transporting a handgun in a motor  
17 vehicle for any lawful purpose or transporting a handgun directly to or  
18 from a motor vehicle to or from any place where such handgun may be  
19 lawfully possessed or carried by such person; and

20       (b) Such handgun is unloaded, kept separate from ammunition, and  
21 enclosed in a case.

22       (4) For purposes of this section:

23       (a) Emergency services personnel means a volunteer or paid  
24 firefighter or rescue squad member or a person licensed to provide  
25 emergency medical services pursuant to the Emergency Medical Services  
26 Practice Act or authorized to provide emergency medical services pursuant  
27 to the EMS Personnel Licensure Interstate Compact; and

28       (b) Identification document means a valid:

29       (i) Driver's or operator's license;

30       (ii) State identification card;

31       (iii) Military identification card;

1        (iv) Alien registration card; or

2        (v) Passport.

3        (5) A violation of this section is a Class III misdemeanor for a  
4 first offense and a Class I misdemeanor for any second or subsequent  
5 offense.

6        Sec. 12. Section 69-2440, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8        ~~69-2440~~    (1)(a) This section applies to a person who is not  
9 otherwise prohibited by state law from possessing or carrying a concealed  
10 handgun.

11        (b) This section does not apply to a qualified law enforcement  
12 officer or qualified retired law enforcement officer carrying a concealed  
13 handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such  
14 sections existed on January 1, 2023.

15        ~~(1) A permitholder shall carry his or her permit to carry a~~  
16 ~~concealed handgun and his or her Nebraska driver's license, Nebraska-~~  
17 ~~issued state identification card, or military identification card any~~  
18 ~~time he or she carries a concealed handgun. The permitholder shall~~  
19 ~~display both the permit to carry a concealed handgun and his or her~~  
20 ~~Nebraska motor vehicle operator's license, Nebraska-issued state~~  
21 ~~identification card, or military identification card when asked to do so~~  
22 ~~by a peace officer or by emergency services personnel.~~

23        (2) Except as provided in subsection (5) of this section, whenever a  
24 person ~~Whenever a permitholder~~ who is carrying a concealed handgun is  
25 contacted by a peace officer or by emergency services personnel, the  
26 person ~~permitholder~~ shall immediately inform the peace officer or  
27 emergency services personnel that the person ~~permitholder~~ is carrying a  
28 concealed handgun.

29        (3) Except as provided in subsection (5) of this section, during ~~(3)~~  
30 ~~(a) During contact with a~~ person carrying a concealed handgun  
31 ~~permitholder,~~ a peace officer or emergency services personnel may secure

1 the handgun or direct that it be secured during the duration of the  
2 contact if the peace officer or emergency services personnel determines  
3 that it is necessary for the safety of any person present, including the  
4 peace officer or emergency services personnel. The person ~~permitholder~~  
5 shall submit to the order to secure the handgun.

6 ~~(4)(a) (b)(i)~~ When the peace officer has determined that the person  
7 ~~permitholder~~ is not a threat to the safety of any person present,  
8 including the peace officer, and the person ~~permitholder~~ has not  
9 committed any other violation that would result in his or her arrest ~~or~~  
10 ~~the suspension or revocation of his or her permit~~, the peace officer  
11 shall return the handgun to the person ~~permitholder~~ before releasing the  
12 person ~~permitholder~~ from the scene and breaking contact.

13 ~~(b) (ii)~~ When emergency services personnel have determined that the  
14 person ~~permitholder~~ is not a threat to the safety of any person present,  
15 including emergency services personnel, and if the person ~~permitholder~~ is  
16 physically and mentally capable of possessing the handgun, the emergency  
17 services personnel shall return the handgun to the person ~~permitholder~~  
18 before releasing the person ~~permitholder~~ from the scene and breaking  
19 contact. If the person ~~permitholder~~ is transported for treatment to  
20 another location, the handgun shall be turned over to any peace officer.  
21 The peace officer shall provide a receipt which includes the make, model,  
22 caliber, and serial number of the handgun.

23 (5) A person is not required to comply with subsections (2) and (3)  
24 of this section if:

25 (a) Such person is storing or transporting a handgun in a motor  
26 vehicle for any lawful purpose or transporting a handgun directly to or  
27 from a motor vehicle to or from any place where such handgun may be  
28 lawfully possessed or carried by such person; and

29 (b) Such handgun is unloaded, kept separate from ammunition, and  
30 enclosed in a case.

31 ~~(6) (4)~~ For purposes of this section:

1        (a) Contact ~~, contact~~ with a peace officer means any time a peace  
2 officer personally stops, detains, questions, or addresses a person  
3 ~~permitholder~~ for an official purpose or in the course of his or her  
4 official duties, and contact with emergency services personnel means any  
5 time emergency services personnel provide treatment to a person  
6 ~~permitholder~~ in the course of their official duties; and -

7        (b) Emergency services personnel has the same meaning as in section  
8 11 of this act.

9        (7) A violation of:

10        (a) Subsection (2) of this section is a Class III misdemeanor for a  
11 first offense, a Class I misdemeanor for a second offense, and a Class IV  
12 felony for a third or subsequent offense; and

13        (b) Subsection (3) of this section is a Class I misdemeanor.

14        Sec. 13. Section 28-1205, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16        28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron  
17 knuckles, or any other deadly weapon to commit any felony which may be  
18 prosecuted in a court of this state commits the offense of use of a  
19 deadly weapon to commit a felony.

20        (b) Use of a deadly weapon, other than a firearm, to commit a felony  
21 is a Class II felony.

22        (c) Use of a deadly weapon, which is a firearm, to commit a felony  
23 is a Class IC felony.

24        (2)(a) Any person who possesses a firearm, a knife, brass or iron  
25 knuckles, or a destructive device during the commission of any felony  
26 which may be prosecuted in a court of this state commits the offense of  
27 possession of a deadly weapon during the commission of a felony.

28        (b) Possession of a deadly weapon, other than a firearm, during the  
29 commission of a felony is a Class III felony.

30        (c) Possession of a deadly weapon, which is a firearm, during the  
31 commission of a felony is a Class II felony.

1        (3)(a) Any person who carries a firearm or a destructive device  
2 during the commission of a dangerous misdemeanor commits the offense of  
3 carrying a firearm or destructive device during the commission of a  
4 dangerous misdemeanor.

5        (b) A violation of this subsection is a:

6        (i) Class I misdemeanor for a first or second offense; and

7        (ii) A Class IV felony for any third or subsequent offense.

8        (4) A violation of this section ~~(3) The crimes defined in this~~  
9 ~~section~~ shall be treated as a separate and distinct offense ~~offenses~~ from  
10 the underlying crimes ~~felony~~ being committed, and a sentence ~~sentences~~  
11 imposed under this section shall be consecutive to any other sentence  
12 imposed.

13        (5) (4) Possession of a deadly weapon may be proved through evidence  
14 demonstrating either actual or constructive possession of a firearm, a  
15 knife, brass or iron knuckles, or a destructive device during,  
16 immediately prior to, or immediately after the commission of a felony.

17        (6) (5) For purposes of this section:

18        (a) Dangerous misdemeanor means a misdemeanor violation of any of  
19 the following offenses:

20        (i) Stalking under section 28-311.03;

21        (ii) Knowing violation of a harassment protection order under  
22 section 28-311.09;

23        (iii) Knowing violation of a sexual assault protection order under  
24 section 28-311.11;

25        (iv) Domestic assault under section 28-323;

26        (v) Assault of an unborn child in the third degree under section  
27 28-399;

28        (vi) Theft by shoplifting under section 28-511.01;

29        (vii) Unauthorized use of a propelled vehicle under section 28-516;

30        (viii) Criminal mischief under section 28-519 if such violation  
31 arises from an incident involving the commission of a misdemeanor crime

1 of domestic violence;

2 (ix) Impersonating a police officer under section 28-610;

3 (x) Resisting arrest under section 28-904;

4 (xi) Operating a motor vehicle or vessel to avoid arrest under

5 section 28-905;

6 (xii) Obstructing a peace officer under section 28-906;

7 (xiii) Knowing violation of a domestic abuse protection order under

8 section 42-924; or

9 (xiv) Any attempt under section 28-201 to commit an offense  
10 described in subdivisions (6)(a)(i) through (xiii) of this section;

11 (b) ~~(a)~~ Destructive device has the same meaning as in section  
12 28-1213; ~~and~~

13 (c) Misdemeanor crime of domestic violence has the same meaning as  
14 in section 28-1206; and

15 (d) ~~(b)~~ Use of a deadly weapon includes the discharge, employment,  
16 or visible display of any part of a firearm, a knife, brass or iron  
17 knuckles, any other deadly weapon, or a destructive device during,  
18 immediately prior to, or immediately after the commission of a felony or  
19 communication to another indicating the presence of a firearm, a knife,  
20 brass or iron knuckles, any other deadly weapon, or a destructive device  
21 during, immediately prior to, or immediately after the commission of a  
22 felony, regardless of whether such firearm, knife, brass or iron  
23 knuckles, deadly weapon, or destructive device was discharged, actively  
24 employed, or displayed.

25 Sec. 14. Section 28-1351, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27 28-1351 (1) A person commits the offense of unlawful membership  
28 recruitment into an organization or association when he or she knowingly  
29 and intentionally coerces, intimidates, threatens, or inflicts bodily  
30 harm upon another person in order to entice that other person to join or  
31 prevent that other person from leaving any organization, group,

1 enterprise, or association whose members, individually or collectively,  
2 engage in or have engaged in any of the following criminal acts for the  
3 benefit of, at the direction of, or on behalf of the organization, group,  
4 enterprise, or association or any of its members:

5 (a) Robbery under section 28-324;

6 (b) Arson in the first, second, or third degree under section  
7 28-502, 28-503, or 28-504, respectively;

8 (c) Burglary under section 28-507;

9 (d) Murder in the first degree, murder in the second degree, or  
10 manslaughter under section 28-303, 28-304, or 28-305, respectively;

11 (e) Violations of the Uniform Controlled Substances Act that involve  
12 possession with intent to deliver, distribution, delivery, or manufacture  
13 of a controlled substance;

14 (f) Unlawful use, possession, or discharge of a firearm or other  
15 deadly weapon under sections 28-1201 to 28-1212.04 and sections 9, 10,  
16 11, and 12 of this act;

17 (g) Assault in the first degree or assault in the second degree  
18 under section 28-308 or 28-309, respectively;

19 (h) Assault on an officer, an emergency responder, a state  
20 correctional employee, a Department of Health and Human Services  
21 employee, or a health care professional in the first, second, or third  
22 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
23 on an officer, an emergency responder, a state correctional employee, a  
24 Department of Health and Human Services employee, or a health care  
25 professional using a motor vehicle under section 28-931.01;

26 (i) Theft by unlawful taking or disposition under section 28-511;

27 (j) Theft by receiving stolen property under section 28-517;

28 (k) Theft by deception under section 28-512;

29 (l) Theft by extortion under section 28-513;

30 (m) Kidnapping under section 28-313;

31 (n) Any forgery offense under sections 28-602 to 28-605;

1 (o) Criminal impersonation under section 28-638;

2 (p) Tampering with a publicly exhibited contest under section  
3 28-614;

4 (q) Unauthorized use of a financial transaction device or criminal  
5 possession of a financial transaction device under section 28-620 or  
6 28-621, respectively;

7 (r) Pandering under section 28-802;

8 (s) Bribery, bribery of a witness, or bribery of a juror under  
9 section 28-917, 28-918, or 28-920, respectively;

10 (t) Tampering with a witness or an informant or jury tampering under  
11 section 28-919;

12 (u) Unauthorized application of graffiti under section 28-524;

13 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
14 against another under section 28-1005; or

15 (w) Promoting gambling in the first degree under section 28-1102.

16 (2) Unlawful membership recruitment into an organization or  
17 association is a Class IV felony.

18 Sec. 15. Section 28-1354, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 28-1354 For purposes of the Public Protection Act:

21 (1) Enterprise means any individual, sole proprietorship,  
22 partnership, corporation, trust, association, or any legal entity, union,  
23 or group of individuals associated in fact although not a legal entity,  
24 and shall include illicit as well as licit enterprises as well as other  
25 entities;

26 (2) Pattern of racketeering activity means a cumulative loss for one  
27 or more victims or gains for the enterprise of not less than one thousand  
28 five hundred dollars resulting from at least two acts of racketeering  
29 activity, one of which occurred after August 30, 2009, and the last of  
30 which occurred within ten years, excluding any period of imprisonment,  
31 after the commission of a prior act of racketeering activity;

1 (3) Until January 1, 2017, person means any individual or entity, as  
2 defined in section 21-2014, holding or capable of holding a legal,  
3 equitable, or beneficial interest in property. Beginning January 1, 2017,  
4 person means any individual or entity, as defined in section 21-214,  
5 holding or capable of holding a legal, equitable, or beneficial interest  
6 in property;

7 (4) Prosecutor includes the Attorney General of the State of  
8 Nebraska, the deputy attorney general, assistant attorneys general, a  
9 county attorney, a deputy county attorney, or any person so designated by  
10 the Attorney General, a county attorney, or a court of the state to carry  
11 out the powers conferred by the act;

12 (5) Racketeering activity includes the commission of, criminal  
13 attempt to commit, conspiracy to commit, aiding and abetting in the  
14 commission of, aiding in the consummation of, acting as an accessory to  
15 the commission of, or the solicitation, coercion, or intimidation of  
16 another to commit or aid in the commission of any of the following:

17 (a) Offenses against the person which include: Murder in the first  
18 degree under section 28-303; murder in the second degree under section  
19 28-304; manslaughter under section 28-305; assault in the first degree  
20 under section 28-308; assault in the second degree under section 28-309;  
21 assault in the third degree under section 28-310; terroristic threats  
22 under section 28-311.01; kidnapping under section 28-313; false  
23 imprisonment in the first degree under section 28-314; false imprisonment  
24 in the second degree under section 28-315; sexual assault in the first  
25 degree under section 28-319; and robbery under section 28-324;

26 (b) Offenses relating to controlled substances which include: To  
27 unlawfully manufacture, distribute, deliver, dispense, or possess with  
28 intent to manufacture, distribute, deliver, or dispense a controlled  
29 substance under subsection (1) of section 28-416; possession of marijuana  
30 weighing more than one pound under subsection (12) of section 28-416;  
31 possession of money used or intended to be used to facilitate a violation

1 of subsection (1) of section 28-416 prohibited under subsection (17) of  
2 section 28-416; any violation of section 28-418; to unlawfully  
3 manufacture, distribute, deliver, or possess with intent to distribute or  
4 deliver an imitation controlled substance under section 28-445;  
5 possession of anhydrous ammonia with the intent to manufacture  
6 methamphetamine under section 28-451; and possession of ephedrine,  
7 pseudoephedrine, or phenylpropanolamine with the intent to manufacture  
8 methamphetamine under section 28-452;

9 (c) Offenses against property which include: Arson in the first  
10 degree under section 28-502; arson in the second degree under section  
11 28-503; arson in the third degree under section 28-504; burglary under  
12 section 28-507; theft by unlawful taking or disposition under section  
13 28-511; theft by shoplifting under section 28-511.01; theft by deception  
14 under section 28-512; theft by extortion under section 28-513; theft of  
15 services under section 28-515; theft by receiving stolen property under  
16 section 28-517; criminal mischief under section 28-519; and unlawfully  
17 depriving or obtaining property or services using a computer under  
18 section 28-1344;

19 (d) Offenses involving fraud which include: Burning to defraud an  
20 insurer under section 28-505; forgery in the first degree under section  
21 28-602; forgery in the second degree under section 28-603; criminal  
22 possession of a forged instrument under section 28-604; criminal  
23 possession of written instrument forgery devices under section 28-605;  
24 criminal impersonation under section 28-638; identity theft under section  
25 28-639; identity fraud under section 28-640; false statement or book  
26 entry under section 28-612; tampering with a publicly exhibited contest  
27 under section 28-614; issuing a false financial statement for purposes of  
28 obtaining a financial transaction device under section 28-619;  
29 unauthorized use of a financial transaction device under section 28-620;  
30 criminal possession of a financial transaction device under section  
31 28-621; unlawful circulation of a financial transaction device in the

1 first degree under section 28-622; unlawful circulation of a financial  
2 transaction device in the second degree under section 28-623; criminal  
3 possession of a blank financial transaction device under section 28-624;  
4 criminal sale of a blank financial transaction device under section  
5 28-625; criminal possession of a financial transaction forgery device  
6 under section 28-626; unlawful manufacture of a financial transaction  
7 device under section 28-627; laundering of sales forms under section  
8 28-628; unlawful acquisition of sales form processing services under  
9 section 28-629; unlawful factoring of a financial transaction device  
10 under section 28-630; and fraudulent insurance acts under section 28-631;

11 (e) Offenses involving governmental operations which include: Abuse  
12 of public records under section 28-911; perjury or subornation of perjury  
13 under section 28-915; bribery under section 28-917; bribery of a witness  
14 under section 28-918; tampering with a witness or informant or jury  
15 tampering under section 28-919; bribery of a juror under section 28-920;  
16 assault on an officer, an emergency responder, a state correctional  
17 employee, a Department of Health and Human Services employee, or a health  
18 care professional in the first degree under section 28-929; assault on an  
19 officer, an emergency responder, a state correctional employee, a  
20 Department of Health and Human Services employee, or a health care  
21 professional in the second degree under section 28-930; assault on an  
22 officer, an emergency responder, a state correctional employee, a  
23 Department of Health and Human Services employee, or a health care  
24 professional in the third degree under section 28-931; and assault on an  
25 officer, an emergency responder, a state correctional employee, a  
26 Department of Health and Human Services employee, or a health care  
27 professional using a motor vehicle under section 28-931.01;

28 (f) Offenses involving gambling which include: Promoting gambling in  
29 the first degree under section 28-1102; possession of gambling records  
30 under section 28-1105; gambling debt collection under section 28-1105.01;  
31 and possession of a gambling device under section 28-1107;

1 (g) Offenses relating to firearms, weapons, and explosives which  
2 include: Carrying a concealed weapon under section 28-1202;  
3 transportation or possession of machine guns, short rifles, or short  
4 shotguns under section 28-1203; unlawful possession of a handgun under  
5 section 28-1204; unlawful transfer of a firearm to a juvenile under  
6 section 28-1204.01; possession of a firearm by a prohibited juvenile  
7 offender under section 28-1204.05; using a deadly weapon to commit a  
8 felony, ~~or~~ possession of a deadly weapon during the commission of a  
9 felony, or carrying a firearm or destructive device during the commission  
10 of a dangerous misdemeanor under section 28-1205; possession of a deadly  
11 weapon by a prohibited person under section 28-1206; possession of a  
12 defaced firearm under section 28-1207; defacing a firearm under section  
13 28-1208; unlawful discharge of a firearm under section 28-1212.02;  
14 possession, receipt, retention, or disposition of a stolen firearm under  
15 section 28-1212.03; unlawful possession of explosive materials in the  
16 first degree under section 28-1215; unlawful possession of explosive  
17 materials in the second degree under section 28-1216; unlawful sale of  
18 explosives under section 28-1217; use of explosives without a permit  
19 under section 28-1218; obtaining an explosives permit through false  
20 representations under section 28-1219; possession of a destructive device  
21 under section 28-1220; threatening the use of explosives or placing a  
22 false bomb under section 28-1221; using explosives to commit a felony  
23 under section 28-1222; using explosives to damage or destroy property  
24 under section 28-1223; and using explosives to kill or injure any person  
25 under section 28-1224;

26 (h) Any violation of the Securities Act of Nebraska pursuant to  
27 section 8-1117;

28 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to  
29 section 77-2713;

30 (j) Offenses relating to public health and morals which include:  
31 Prostitution under section 28-801; pandering under section 28-802;

1 keeping a place of prostitution under section 28-804; labor trafficking,  
2 sex trafficking, labor trafficking of a minor, or sex trafficking of a  
3 minor under section 28-831; a violation of section 28-1005; and any act  
4 relating to the visual depiction of sexually explicit conduct prohibited  
5 in the Child Pornography Prevention Act; and

6 (k) A violation of the Computer Crimes Act;

7 (6) State means the State of Nebraska or any political subdivision  
8 or any department, agency, or instrumentality thereof; and

9 (7) Unlawful debt means a debt of at least one thousand five hundred  
10 dollars:

11 (a) Incurred or contracted in gambling activity which was in  
12 violation of federal law or the law of the state or which is  
13 unenforceable under state or federal law in whole or in part as to  
14 principal or interest because of the laws relating to usury; or

15 (b) Which was incurred in connection with the business of gambling  
16 in violation of federal law or the law of the state or the business of  
17 lending money or a thing of value at a rate usurious under state law if  
18 the usurious rate is at least twice the enforceable rate.

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

21 69-2429 For purposes of the Concealed Handgun Permit Act:

22 (1) Concealed handgun means a the handgun that is entirely obscured  
23 ~~totally hidden~~ from view. If any part of the handgun is capable of being  
24 seen or observed by another person, it is not a concealed handgun;

25 ~~(2) Emergency services personnel means a volunteer or paid~~  
26 ~~firefighter or rescue squad member or a person licensed to provide~~  
27 ~~emergency medical services pursuant to the Emergency Medical Services~~  
28 ~~Practice Act or authorized to provide emergency medical services pursuant~~  
29 ~~to the EMS Personnel Licensure Interstate Compact;~~

30 (2) (3) Handgun means any firearm with a barrel less than sixteen  
31 inches in length or any firearm designed to be held and fired by the use

1 of a single hand;

2 ~~(3)~~ ~~(4)~~ Peace officer means any town marshal, chief of police or  
3 local police officer, sheriff or deputy sheriff, the Superintendent of  
4 Law Enforcement and Public Safety, any officer of the Nebraska State  
5 Patrol, any member of the National Guard on active service by direction  
6 of the Governor during periods of emergency or civil disorder, any Game  
7 and Parks Commission conservation officer, and all other persons with  
8 similar authority to make arrests;

9 ~~(4)~~ ~~(5)~~ Permitholder means an individual holding a current and valid  
10 permit to carry a concealed handgun issued pursuant to the Concealed  
11 Handgun Permit Act; and

12 ~~(5)~~ ~~(6)~~ Proof of training means an original document or certified  
13 copy of a document, supplied by an applicant, that certifies that he or  
14 she either:

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

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

22 Sec. 17. Section 69-2435, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 69-2435 A permitholder shall continue to meet the requirements of  
25 section 69-2433 during the time he or she holds the permit, except as  
26 provided in subsection ~~(2)~~ ~~(4)~~ of section 69-2443. If, during such time,  
27 a permitholder does not continue to meet one or more of the requirements,  
28 the permitholder shall return his or her permit to the Nebraska State  
29 Patrol for revocation. If a permitholder does not return his or her  
30 permit, the permitholder is subject to having his or her permit revoked  
31 under section 69-2439.

1           Sec. 18. Section 69-2436, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3           69-2436 (1) A permit to carry a concealed handgun is valid  
4 throughout the state for a period of five years after the date of  
5 issuance. The fee for issuing a permit is one hundred dollars.

6           (2) The Nebraska State Patrol shall renew a permitholder's permit to  
7 carry a concealed handgun for a renewal period of five years, subject to  
8 continuing compliance with the requirements of section 69-2433, except as  
9 provided in subsection (2) ~~(4)~~ of section 69-2443. The renewal fee is  
10 fifty dollars, and renewal may be applied for no earlier than four months  
11 before expiration of the permit and no later than thirty business days  
12 after the date of expiration of the permit. At least four months before  
13 expiration of a permit to carry a concealed handgun, the Nebraska State  
14 Patrol shall send to the permitholder by United States mail or  
15 electronically notice of expiration of the permit.

16           (3) The applicant shall submit the fee with the application to the  
17 Nebraska State Patrol. The fee shall be remitted to the State Treasurer  
18 for credit to the Nebraska State Patrol Cash Fund.

19           Sec. 19. Section 69-2439, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           69-2439 (1) Any peace officer having probable cause to believe that  
22 a permitholder is no longer in compliance with one or more requirements  
23 of section 69-2433, except as provided in subsection (2) ~~(4)~~ of section  
24 69-2443, shall bring an application for revocation of the permit to be  
25 prosecuted as provided in subsection (2) of this section.

26           (2) It is the duty of the county attorney or his or her deputy of  
27 the county in which such permitholder resides to prosecute a case for the  
28 revocation of a permit to carry a concealed handgun brought pursuant to  
29 subsection (1) of this section. In case the county attorney refuses or is  
30 unable to prosecute the case, the duty to prosecute shall be upon the  
31 Attorney General or his or her assistant.

1 (3) The case shall be prosecuted as a civil case, and the permit  
2 shall be revoked upon a showing by a preponderance of the evidence that  
3 the permitholder does not meet one or more of the requirements of section  
4 69-2433, except as provided in subsection (2) ~~(4)~~ of section 69-2443.

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

11 Sec. 20. Section 69-2442, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 69-2442 (1) Any time the discharge of a handgun carried by a  
14 permitholder pursuant to the Concealed Handgun Permit Act results in  
15 injury to a person or damage to property, the permitholder shall make a  
16 report of such incident to the Nebraska State Patrol on a form designed  
17 and distributed by the Nebraska State Patrol. The information from the  
18 report shall be maintained as provided in section 69-2444.

19 (2) A violation of this section is a Class III misdemeanor for a  
20 first offense and a Class I misdemeanor for any second or subsequent  
21 offense.

22 Sec. 21. Section 69-2443, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 69-2443 ~~(1) A permitholder who violates subsection (1) or (2) of~~  
25 ~~section 69-2440 or section 69-2441 or 69-2442 is guilty of a Class III~~  
26 ~~misdemeanor for the first violation and a Class I misdemeanor for any~~  
27 ~~second or subsequent violation.~~

28 ~~(2) A permitholder who violates subsection (3) of section 69-2440 is~~  
29 ~~guilty of a Class I misdemeanor.~~

30 (1) (3) A permitholder convicted of a violation of section 11 or 12  
31 of this act or section 69-2440 or 69-2442 may also have his or her permit

1 revoked.

2 ~~(2) (4)~~ A permitholder convicted of a violation of section 9 or 10  
3 of this act 69-2441 that occurred on property owned by the state or any  
4 political subdivision of the state may also have his or her permit  
5 revoked. A permitholder convicted of a violation of section 9 or 10 of  
6 this act 69-2441 that did not occur on property owned by the state or any  
7 political subdivision of the state shall not have his or her permit  
8 revoked for a first offense but may have his or her permit revoked for  
9 any second or subsequent offense.

10 Sec. 22. Section 69-2445, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 69-2445 Nothing in the Concealed Handgun Permit Act prevents a  
13 person not otherwise prohibited from possessing or carrying a concealed  
14 handgun by state law from carrying a concealed weapon without a permit as  
15 permitted under section 28-1202.

16 Sec. 23. Original sections 14-102, 15-255, 16-227, 17-556, 18-1703,  
17 28-1205, 69-2429, 69-2435, 69-2439, 69-2440, 69-2441, 69-2442, 69-2443,  
18 and 69-2445, Reissue Revised Statutes of Nebraska, and sections 28-101,  
19 28-1201, 28-1202, 28-1351, 28-1354, and 69-2436, Revised Statutes  
20 Cumulative Supplement, 2022, are repealed.