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Judiciary Committee January 26, 2023  
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**WAYNE:** Good afternoon. Welcome to the Judiciary Committee. My name is Senator Justin Wayne. I represent Legislative District 13, which is north Omaha, northeast Douglas County. I serve as the Chair of Judiciary. We will start off by having members of the committee and staff do self-introductions, starting with my right, Senator Ibach.

**IBACH:** Good afternoon. Senator Teresa Ibach from District 44, which is in southwest Nebraska.

**McKINNEY:** Good afternoon. Senator Terrell McKinney. I represent District 11, which is North Omaha.

**WAYNE:** Josh.

**JOSH HENNINGSSEN:** Oh, Josh Henningsen [INAUDIBLE].

**ANGENITA PIERRE-LOUIS:** Angenita Pierre-Louis, committee clerk.

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

**BLOOD:** Good afternoon. Senator Carol Blood representing District 3, which is western Bellevue and southeastern Papillion, Nebraska.

**HOLDCROFT:** Rick Holdcroft, District 36, west and south Sarpy County.

**WAYNE:** There will be senators who will be coming in and out. They're all-- they have hearings in other-- are introducing bills in other hearing rooms so people-- don't take it as a sign of disrespect. It's just that there's also other hearings that they may have to attend an open up for. Also assisting us are our committee pages. Logan Bartek [PHONETIC], Brtek--

**LOGAN BRTEK:** Brtek.

**WAYNE:** --Brtek from Norfolk-- oh, it's right there. Brtek-- who is a political science and criminology, criminology major at UNL, and also Isabel Kolb from Omaha, was a political science and pre-law major at UNL. I really hate the way this room sounds. This afternoon, we will be hearing three bills. They will be taken up in the order that was listed outside on the room. On the tables, in the back of the room, you will see a blue testifier sheet. If you are planning on testifying today, please fill out one of the blue sheets and hand it to the pages when you come up. This makes sure we keep accurate records of who is

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talking and when. I would also note that if you would like your presence to be known, that means if you're going to come up here and repeat the same thing over and over, I'm not going to tell you not to come up here. But to help these go a little faster today, if you want your position and presence to be recorded, there is a gold sheet in the back. I would encourage you to do that. As I-- also note the Legislature's policy that all letters must be turned in by noon prior-- the day prior to the committee hearing. Any handouts you have, we ask that you have ten. If you don't have ten, please give them to the page and we'll make sure that it gets handed out with the proper number of copies. Testimony for each bill will begin with the introducer's opening statement. After their opening statement, we will have one hour designated to each position. This is why it's critical that we don't come up and just keep repeating other people that want to say the same thing. While I know it's important that you maybe want to be on the record, I will tell you it's easier for a committee, if we were going to try to Exec maybe today, if we can get out of here on a decent time. Otherwise, if we stay here tonight, it may be a couple of weeks before we can even Exec on any of these bills. Today-- after that, the intro-- after side to side-- each opposite side and then neutral capacity, the introducer of the bill will be given the opportunity to close. We ask that you begin your testimony by stating your first and last name and spell them for the record. We will be using the three-minute light system today. When you begin your testimony, it will be yellow-- or green. At one-minute mark, it will be yellow. And then that red, we ask you to wrap up your final thoughts. I am going to be kind of hard on that because we got a lot of people outside and I don't know how many people are testifying. So at three minutes, we will ask you to wrap up your final thoughts. Let me be clear about one thing: props are not allowed. I believe in the First Amendment and I believe in the Second Amendment, but props are not allowed. We will not have signs in here and we will not have open carry in here while I'm sitting here at this. That's just-- to me, that is all a prop, whether it's free speech or whether it's 2A. I'm a fundamental believer in both, but I do believe the rules are no props and we are going to stick to that. I'd also like to remind everyone, including senators, please turn off your cell phones and-- or put them on vibrate. With that, we will start today's hearings with LB314. Welcome to your Judiciary Committee.

**FREDRICKSON:** And I promise I'm not going to be the first one every day in Judiciary, but. So good afternoon. Thank you, Chair Wayne and members of the Judiciary Committee. For the record, I am John

Fredrickson, J-o-h-n F-r-e-d-r-i-c-k-s-o-n. I represent District 20 in central-west Omaha. And I'm happy to be here today to introduce LB314, which creates an important point of intervention for someone who might be purchasing a firearm for the purposes of suicide. I am passing out AM68 that I would ask you advance with the bill. This amendment is the result of my work with mental health professionals, the Nebraska Firearms Association and the Governor's Policy Research Office to make the bill easier to operationalize and to eliminate the fiscal note. As amended, this bill requires firearm dealers to distribute to all firearm purchasers information on suicide prevention, including materials that provide evidence-based information aligned with best practices in suicide prevention. Such materials shall include information on the 988 Suicide and Crisis Lifeline. The Nebraska State Patrol shall maintain and publish a list of materials that firearm dealers may use. LB314 also requires the Nebraska State Patrol to include suicide prevention training within its minimum requirements for handgun training and safety. I want to thank Senator Brewer for being an original cosponsor of this bill and I also want to thank Senators Hughes and Dover for also adding their names. I am also happy to have the support of the Nebraska Firearms Association, whom I have invited here to testify today. According to the most recent statewide suicide prevention plan from the Kim Foundation and the Nebraska Department of Health and Human Services Division of Behavioral Health, the Nebraska suicide rate was higher than the national average. In 2020, we had 283 deaths by suicide. In fact, a Nebraskan is lost to suicide every 32 hours. Veterans are at increased risk nationwide. According to the United Service Organization, military suicide rates are four times higher than deaths that occurred during military operations. In 2020, Congress designated the new 988 dialing code to operate through the existing National Suicide Prevention Lifeline. This line was activated in Nebraska last year. When someone calls the line, they're connected with a trained crisis counselor. While the availability of this line is enormously important, there are still many people who are not aware of it. The statewide suicide prevention plan recommends increasing awareness of the 988 number. LB314 is an important step in that direction. As a mental health professional myself, I know that with every touch point for an individual in an acute crisis, we can move the needle and decrease behavior that might be based on impulsivity. Because it can be so difficult to know when someone may be having thoughts of suicide, it is vital to have these touch points in place. Many are not aware that most firearm-related deaths are by suicide. In addition, of the suicide attempts by firearm, 90 percent of them are fatal, according to the American

Public Health Association. LB314 will allow us to implement some of the important goals laid out in the statewide suicide prevention plan. Much more needs to be done in the coming years to continue to build on the 988 network infrastructure. I ask the Judiciary Committee to advance LB314 with AM68 and provide this important step in suicide awareness and prevention. Also, I am likely to waive closing, as I have another bill up in HHS, but I am happy to answer any questions should they arrive during the, the hearing. Please direct those directly to my office and I'm happy to answer any questions currently as well.

**DeBOER:** Are there any questions for Senator Fredrickson? I don't see any, Senator Fredrickson, but thank you.

**FREDRICKSON:** All right, thank you.

**DeBOER:** I'll take the first proponent testifier.

**JULIA HEBENSTREIT:** Good afternoon. My name is Julia Hebenstreit, J-u-l-i-e H-e-b-e-n-s-t-r-e-i-t, and I'm here to testify in support of LB314 on behalf of the Kim Foundation and the Nebraska Association for Behavioral Health Organizations, NABHO. We know that suicide remains a significant public health concern for Nebraskans of all demographics. We also know that early intervention, education and lethal means safety are keys to saving lives from suicide. LB314 will allow for these safety components to occur in a coordinated manner statewide in a very high at-risk method of death by promoting safe and responsible gun ownership and utilization. However, please keep in mind this is not a firearms bill. This is a suicide prevention bill. The Kim Foundation partners with the Omaha Police Department, Sarpy County Sheriff's Department and Douglas County Sheriff's Department by having a staff member on call 24/7 to receive notification of any suicide-related death in our community. We then provide loved ones support through the immediate crisis and connect them to the necessary resources. This partnership also provides a report for each suicide death that allows us to track gender, age, means, and zip code data so that we have an accurate, timely picture of deaths-- of suicide trends in our community. In 2022, we lost 97 community members who resided in these reporting jurisdictions to suicide. Of those 97, 60 were by firearm. According to the most recent national data available from AFSP, in 2020, there were 45,979 suicide deaths in our country, 52.83 percent of those were by firearm. However, if you look at our 2022 collected data, 61.9 percent of our suicide deaths in the Omaha community were by firearm. That puts us nearly 10 percent higher than

the national average and should be alarming to anyone who cares for the overall well-being of our state. Through LB314, Nebraska would have the opportunity to prevent a number of these deaths by providing a point of early intervention for someone who may be purchasing a firearm for the purpose of suicide. Oftentimes, information alone is enough to save a life from suicide, but certainly responsible and safe ownership of a firearm is even more crucial. We are at a unique time in Nebraska, with several statewide initiatives focused on suicide prevention, including the new suicide prevention state plan, the Governor's challenge, and the successful implementation of 988. By leveraging these initiatives and with prevention methods drawn out and LB314, the number of Nebraskan lives we can save from suicide is quite significant. We know that many people who are in suicidal crisis do not want to die. They're in extreme pain and don't know where to turn. They have lost hope and feel like they're alone. By providing resources at this crucial point of purchase and licensure, we could reach them with information that could save their life. Many people don't know that 988 is available or what it is. Sharing this information and that a trained crisis counselor is available 24/7 could provide the hope that someone needs to help eliminate the feeling of being alone.

**WAYNE:** Can you please wrap up?

**JULIA HEBENSTREIT:** NABHO and the Kim Foundation support LB314 because it promotes sound prevention and early intervention components that could save a life from suicide.

**WAYNE:** Ma'am.

**JULIA HEBENSTREIT:** We believe that everyone can play a role in saving a life from suicide and this empowers to do just that. We--

**WAYNE:** Ma'am, the red light is on.

**JULIA HEBENSTREIT:** --encourage you to support passing LB--

**WAYNE:** See, now, I'm just going to warn everybody. I'm-- I will ask people to leave the room if they do this because it's going to take us all night. Like--

**JULIA HEBENSTREIT:** OK.

**WAYNE:** --when the red light is on, please, please be respectful and stop. Because most of the time, one of us up here is going to ask you

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a follow-up question that will get to you-- probably what the rest of what you have to say. So any questions from the committee?

**JULIA HEBENSTREIT:** I apologize.

**WAYNE:** No, you're fine.

**JULIA HEBENSTREIT:** By wrapping up, I thought you meant, like, finish your sentence.

**WAYNE:** No, you're fine.

**JULIA HEBENSTREIT:** Thank you.

**WAYNE:** Thank you for coming today. Next proponent. Welcome to your Judiciary.

**PATRICIA HARROLD:** Thank you. My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d, and I stand in support of this bill. I lost my husband on February 29, 2012, to suicide by firearm. Several months thereafter, I was connected with the Foundation for Suicide Prevention, a fantastic organization here in Nebraska and also nationally. And very shortly thereafter began my own journey of education and eventually became a firearm owner. And I'm actually the president of the gun lobby in our state. So I'm probably unique. Most folks wouldn't assume that someone like me, with my experiences, would turn to firearms for self-protection. However, it is my right. And as a mom of a 7-year-old and 11-year-old at the time, being able to defend my home and my family and myself was important. To say that I care about the firearm community, I don't need to describe how much I care about the firearm community. And it is a unique community and it faces suicide in amounts that are just untenable. Why I'm here today is because there's too much misinformation and lack of education within our community. There are myths that seeking help, going to therapy, staying on your medication and calling a crisis hotline reduces or eliminates your right to have your firearm and that's not the case. And I've always been a proponent of education versus legislation and I think this bill is perfect in the sense that it reaches out to our communities in an educational and thoughtful way. It is not a burden to the firearms community in any way and it can save one life. It can save thousands and that's the case that I have found. When we have partnered with the Foundation for Suicide Prevention, we've done educational seminars at our annual meeting, reaching out to over 26,000 firearm owners in our state. They've been

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welcomed and I think have made a tremendous difference. And if we can continue to do this by introducing all the new firearm owners to these resources in our community, we can save lives. Thank you very much.

**WAYNE:** Thank you for being here. Any questions from the committee? Seeing none, thank you for being here. Next proponent. Welcome to your Judiciary.

**MELODY VACCARO:** Thank you. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I represent Nebraskans Against Gun Violence and we are supporters of LB314. I wanted to get in the record some of the statistics around firearm suicide. When we look to reduce gun violence, when we look to reduce gun violence, firearm suicide is the majority of gun deaths in our state. And so in the handout, we've-- I've got listed out from 2010 to 2020, which is the most recent CDC data, you can see all the suicides in our state and then how many of them were firearm suicides. And so for 2020, it was 283 was the entire number and 139 was the suicide by firearm. And then we have firearm mortality on the second page. And so you can really-- you know, when you compare the two, in 2020, there were 197 firearm deaths and 139 of them were suicides. So I wanted to put that in there. I also-- we'd like to just get in the record that we think it's really important to get education to the right communities that need it, that-- where it would be the most helpful. And later today, we are going to be talking about LB77, which removes a training component for people who want to carry concealed handguns in public spaces. And that would, I think, weaken the power of this bill by removing an important opportunity to train and give education to the exact group of people who I think could benefit and really save a lot of families a lot of pain. Thank you.

**WAYNE:** Thank you. Any questions from the committee? Yes, Senator Holdcroft.

**HOLDCROFT:** You're column there, age-adjusted rate, what does that mean, age adjusted?

**MELODY VACCARO:** So a statistician would probably give the best definition of it, but it basically is a way to fairly compare a number over time. So if you just do-- there's a way that they tweak the math. So that's just kind of a standard way to show statistics over time.

**HOLDCROFT:** Thank you.

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**MELODY VACCARO:** But it's a good question and it's-- you'll-- you generally will see it on any sort of this is what's happening over time with the percentage. They'll have an age adjusted if it's about people.

**HOLDCROFT:** OK. Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here today.

**MELODY VACCARO:** Thank you.

**WAYNE:** Next proponent.

**MICHELLE BATES:** Good afternoon.

**WAYNE:** Welcome.

**MICHELLE BATES:** Chairman Wayne and members of the Judiciary Committee, my name is Michelle Bates, M-i-c-h-e-l-l-e B-a-t-e-s. I have been affected directly by firearm suicide. My grandfather, on January 3, 1971, committed suicide by firearm. And as I was growing up, I didn't understand my father's trauma or reactions to firearms. Simple game of playing Cowboys and Indians or cap guns or something such as that was enough to get my father upset and take the cap guns away because he did not believe we should be pointing them at each other. I learned as I got older that that was because of the trauma of finding his father deceased by firearm. On November 16, 2014, a local community member and also the employer of my son, who was a teenager at the time, committed fire-- committed suicide by firearm. On August 2, 2016, my cousin, Julie, committed suicide by firearm at the age of 53. This-- these situations have directly affected my life and our families' lives. And I think that educating people about firearms and about suicide prevention and firearm suicide is very necessary and I believe that LB314 will do that. Thank you.

**WAYNE:** Any questions from the committee? I just want to say sorry for your loss--

**MICHELLE BATES:** Thank you.

**WAYNE:** --losses. Thank you for being here today. Next proponent. Welcome to your Judiciary.



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**KATIE TOWNLEY:** Thank you. My name is Katie Townley, K-a-t-i-e T-o-w-n-l-e-y. Good afternoon. Thank you for having me.

**WAYNE:** Can you speak up just a little?

**KATIE TOWNLEY:** Sorry. Good afternoon. Thank you for having me and for hearing my testimony today. I am an Omaha resident and a volunteer with the Nebraska Chapter of Moms Demand Action for Gun Sense in America. I am a wife, a mother of two young children, and like many of us, I have friends and family members who suffer from depression. I am testifying today in strong support of LB314, a bill that would promote the distribution of suicide prevention materials, including information on the 988 Suicide and Crisis Lifeline, to firearm purchasers. Seventy-four percent of gun deaths in the state of Nebraska are suicides. Nationally, we know that the rate of firearm suicide in rural areas is more than double the rate in urban areas. Research shows that the difference between living or dying by suicide is often determined by the presence of a gun. Given the unique lethality of firearms as a means of suicide, addressing gun suicide is an essential element of any strategy to reduce gun violence in this country. Providing information on warning signs of suicide risk, as well as hotline and treatment resources at the point of sale of a firearm is a critical public health and public safety measure. I encourage members of the committee to vote yes on LB314. Thank you.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here.

**KATIE TOWNLEY:** Thank you.

**WAYNE:** Next proponent. Welcome to your committee.

**AMANDA PEARSON:** Good afternoon, Senator Justin Wayne and members of the Judiciary Committee. My name is Amanda Pearson. I am from Kearney and I'm the director of development for McKenna's Rae of Hope Foundation, a volunteer for the Central Nebraska LOSS Team and the chairperson for the First Responders Foundation chapter in Kearney. I'm here not only to support this bill because my job is to teach suicide prevention. And it's not because I volunteer to sit and offer compassion, resources and support to families who have just lost someone to suicide, but because I myself have struggled with the thought of suicide. In 2007, I lost my husband to suicide. I was 24 years old, a mother of two small children. To sum it all up, I was lost, hurt, confused, angry, sad, and had no idea how I would ever be

able to continue. Not only did I lose my husband, but I lost everything: my home, my job, my sense of belonging. This was my breaking point. I became suicidal myself. I just had to-- I had to have a way to stop all the pain. Six. This number represents the number of times I attempted and my method of choice was a nine-millimeter taurus handgun. Why? Because it was going to be a quick solution to my temporary, intolerable pain. Six times seems excessive, but I am one of the lucky ones because each time, I was interrupted when I was moving forward to follow through with my plan. Why? Who honestly knows? I could hear my grandpa tell me my job here on this earth is not done and I had finally realized that this is not my destiny. And at that time, I began my healing journey. During these dark times of mine, I didn't remember I could call a number and get help. I didn't think of the different resources I could use because at that time, I couldn't. All I could think about was how I was going to end the suffering that I was going through because of my husband's suicide. And here I am almost 16 years later. I'm not a statistic. The new me is a responsible gun owner. I have taken the handgun safety course and received my permit. But what about all those people who just go in and fill out that application? That usually only takes about three days for a purchase permit. Then they go to the gun shop and purchase a firearm with the intention of only using it once, to end their own life. What if the information about 988 Suicide and Crisis Lifeline or even resources about suicide prevention that these hurting souls would receive becomes the one intervention they needed to reach out and ask for help? What if during that handgun class, when they talk about suicide prevention, that it sticks in one person's mind sitting in that class because suicide is something that they, they have thought about? I believe that if we continue to talk about suicide and discuss the ways it can be prevented and offer the information, then the stigma will begin to lift. And everyday heroes, a.k.a our first responders, will not be afraid to reach out when they need to and that it is OK to not be OK. I am asking you all to join me today in supporting LB314. Thank you.

**WAYNE:** Thank you for your testimony and sorry for your loss. Any questions from the committee? Thank you for being here.

**AMANDA PEARSON:** Thank you.

**WAYNE:** Next proponent. Next proponent. All right, seeing no proponents. We'll start with opponents. Any opponents? OK, we got to wait here for an hour. I'm sticking strictly to my rules. OK. Anybody testifying in a neutral capacity? Seeing none, you're welcome to

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close, Senator Fredrickson. Senator Fredrickson will waive-- OK. Where we at here? All right, we got 16 letters of support-- and six letters of support, nine letters in opposition and one letter in neutral. And that will close the hearing on LB314. All right.

**DeBOER:** Yeah, that was crazy.

**WAYNE:** We are opening on LB17. Welcome to your Judiciary Committee, Senator Dungan.

**DUNGAN:** Thank you. Good afternoon, Chair Wayne and members of the Judiciary Committee. I'm Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent the people of northeast Lincoln in Legislative District 26. Today I am introducing LB17. On your desks, I've passed out AM58. That's a white copy amendment to LB17. AM58 clarifies the scope of LB17 to better reflect my intent. Under current law, it is a felony to bring a firearm onto school grounds. Nebraska Revised Statute 28-1204.04 provides for limited exceptions to that prohibition as enumerated in the statute. One current exemption to the law, to the law is for on-duty law enforcement officers. The law, however, does not encompass off-duty officers. AM58 specifically and limitedly allows for the possession of firearms by full time off-duty police officers for the limited purpose of picking up or dropping off an enrolled student on school grounds. I proposed this legislation after speaking with peace officers. They expressed that they currently find it incredibly logistically challenging to drop off their child on the way to work, pick up a child during the school day or pick up their child after school because they have a firearm in their possession during these times due to their employment as a full time peace officer. LB17 and AM58, specifically, helps parents of school age children by allowing full time off-duty police officers to possess firearms for these particular limited circumstances only. This bill would not allow off-duty peace officers to enter school grounds with firearms for any other purpose, for example, a sporting event or a parent-teacher conference. I am a strong proponent of gun safety and oppose allowing more guns onto school grounds. Allowing more guns onto school grounds poses a safety hazard, and I believe schools should be and remain gun free zones. However, I trust our peace officers as highly trained professionals. The presence of armed off-duty officers would not pose a safety hazard in these limited instances. Law enforcement officers undergo rigorous weapons training and therefore, have a clear understanding of firearms and their capabilities. No person should carry firearms without proper training and certification, as those are both core tenets of responsible gun

ownership. I trust our law enforcement officials and the operating procedures in place that they currently have to ensure that those officers are properly educated in firearm safety and handling. The narrow interpretation of this bill with the AM is the one that I intended to advance initially. However, after reviewing my initial LB17, I determined that the language was too broad and overly vague. This is why I've introduced the amendment to make it clear that this law would apply solely to these limited circumstances outlined in AM58. Ultimately, my goal is to support our first responders and parents in this small but meaningful way. This concludes my introduction and I'm happy to answer any questions at this time. I do believe we have some proponents who are law enforcement officials that might have more specific answers about their training, but I'm happy to answer any questions about the law the committee might have.

**WAYNE:** Any questions from the committee? I'm weird about procedurally stuff. So tomorrow drop this on your floor-- on the floor so the public can weigh in on it for comments as we go through this process. You don't have to, but I think it's cleaner that we don't get surprised on the floor. Any questions from the committee? Yeah, I'm going to probably make that announcement tomorrow on the floor, too. It's just-- if-- anyway.

**DUNGAN:** I, I appreciate that. Thank you.

**WAYNE:** Any questions from the committee? Seeing none, are you going to stay around for closing?

**DUNGAN:** Yeah. I'll stick around. Thank you.

**WAYNE:** I was hinting you don't have to.

**DUNGAN:** I know.

**WAYNE:** You're fine.

**DUNGAN:** I'm here to answer questions.

**WAYNE:** First proponent. Yeah, I made that mistake. Welcome. First I'm seeing you this time-- this year.

**JIM MAGUIRE:** Senator, Senator Wayne, senators of the Judiciary Committee, good afternoon. My name is Jim Maguire, J-i-m M-a-g-u-i-r-e. I'm president of the Nebraska Fraternal Order of Police, which represents over 5,000 law enforcement professionals. My,

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my comments will be brief. Understanding LB17, we are in complete support of this. We are highly trained, not just in handling firearms, but the law surrounding if and when the use of force is justified, which I think is very important. When, when we look at this bill, the last thing we want to have is some kind of an inadvertent violation of the law when an officer leaves work armed to pick up their kids. And I think it was perfectly explained in the opening-- in the introduction what the intent is and we are completely in support of that. With that, I'll answer any questions.

**WAYNE:** Any questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. And thank you, Mr. Maguire. I just got a quick question. How many, how many instances have occurred in the past of an officer dropping their kid off and then them seeing a situation at the school and they interfered in a, in a situation on school grounds?

**JIM MAGUIRE:** I don't have any, any hard numbers or anything like that. If I do recall, there have been instances where officers have been in the area of lockdowns and everything else and they, they will show up just to ensure the safety of, of the children that are in the school.

**McKINNEY:** All right. Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here.

**JIM MAGUIRE:** Thank you.

**WAYNE:** Next proponent. Welcome.

**SERGIO GUTIERREZ:** Chairman Wayne, senators, thank you all for your time. My name is Sergio Gutierrez. I'm here representing the Omaha Police Officers Association. Very much in the lines of what Officer Maguire had said, I think this is just a common sense bill. We entrust law enforcement officers to police our society and enforce our, our rules as a society. I think it just makes sense to not limit their carrying capacity, whether on-duty or off-duty. I think there's also a federal precedent for it, if I'm not mistaken, as well. But keeping my comments brief, I'll leave it at that unless you guys have any other questions.

**WAYNE:** Any questions from the committee? Seeing none, thank you for being here today.

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**SERGIO GUTIERREZ:** Thank you, Senator.

**WAYNE:** Any other proponents?

**WILLIAM RINN:** Good afternoon. Thank-- Chair Wayne and the committee. I'm Captain William Rinn, R-i-n-n, representing the Douglas County Sheriff's Office. We are proponents of this bill advancing forward. I'll keep my comments as brief as possible. Law enforcement officials in the state of Nebraska and in particularly, Omaha/Douglas County area, are amongst the most highly trained and experienced individuals in the use, handling and retention of firearms. This experience and mindset does not vanish according to their respective duties as they look at the clock or as their duty day ends. The repetition by law enforcement officers in close quarters combat training, in environments specific to the education facilities mark them as security multipliers, not as nuisances, as the current-- currently outlined in the state statute. Flexibility offered by many metro-area departments allow law enforcement officers both the time and the opportunity to co-parent by participating in school activities, drop-offs and pick-ups for, during and after their shifts. Law enforcement officers are also entrusted to carry concealed firearms on their persons as a function of plainclothes assignments and in some circumstances, undercover assignments. They're the most-- also granted the authority to place themselves on duty at a moment's notice to take action during a criminal event should the need arise. Under those circumstances, most law enforcement agencies and more law, law enforcement officers, whether on-duty or off-duty, are known to the students, the faculty members and the parents alike, which places them as the best trained and positioned to intervene during a violent situation. This will provide a sense of order and familiarity during a chaotic event should it arise. As it stands, securing firearms in a vehicle or another prescribed manner is not only impracticable but also delays or prohibits the immediate ability to neutralize an armed threat. The success of this bill, which will remove an obstacle which will allow officers to provide immediate support to arriving armed uniformed officers, which is active shooter protocol as we know it. I'll take any questions at this time.

**WAYNE:** Any questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. A question popped up in my head as you were-- as I was reading this language. What if-- so we have school resource officers in schools in-- across the state. And what if that school resource officer picks up a student and then goes to work at the same

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time? So the school resource officer is picking up a student that goes to the school that he's assigned to. Is that officer allowed to keep that gun on campus?

**WILLIAM RINN:** Well, that's going to be up to the protective-- the CBA, the collective bargaining agreement between that agency. Are you allowed to take yourself on- and off-duty? Some agencies allow you to make short deviations from a duty day to handle personal business.

**McKINNEY:** I asked this question because I think-- I know this is narrow, but I think just one change might narrow it to what Senator Dungan might want. Instead of saying enrolled, enrolled student on school grounds, I think it probably should say his or her-- his or hers enrolled student on school grounds, but I still think it's kind of vague.

**WILLIAM RINN:** I think that the sheriff's office is open to working on any language that is proposed.

**McKINNEY:** Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here.

**WILLIAM RINN:** Thank you for your time.

**WAYNE:** Any other proponents? Proponents. Any opponents? Welcome back.

**MELODY VACCARO:** Thank you. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o. I represent Nebraskans Against Gun Violence and we are opposed to this bill. I have a handout coming around from a sheriff's office today from-- or from this week, from Bassett, Nebraska, where they have decided that they're not going to enforce federal law anymore regarding guns. And today in Fremont, Nebraska, at Milliken Park Elementary, a elementary school student, brought a gun to their class. They thought it was a toy. They found it at home and brought to school. And so we, we have a lot of trust in police as a society. We expect them to really protect the public and ensure public safety. But that includes they have to be pillars of the law themselves. And, you know, we really-- we reject the premise that they're not following the law so we have to change the law because it's too hard of a law to follow. In the current law, there is already some exceptions where they can use a safe storage method and put their-- they can leave the gun in the car and unload it and lock it up. There's another component in the law where if you have your concealed carry permit, you can-- as

long as you stay in the car, you're fine to have a gun sitting in your car and you can just put it in the glove box or the trunk if you need to leave your car. And that's fine, too. So under the current law as it stands, so, you know, we're not really sure why this carve-out needs to exist, but we are increasingly concerned about law enforcement being carved out of following the laws that the rest of us need to follow. And one thing I did want to rebut in some of the proponent testimony, is the concept that if you have a police officer on site that your children are safe from mass shootings. There were nearly 400 cops in Uvalde from all levels of government, all levels of training. That did not stop anybody from being shot. There was a SRO at Parkland and in Omaha, Nebraska, at Millard South, when there was a school shooting, the student who came and killed fellow students and staff was the son of a police officer and that was a police officer's gun that was not stored correctly. We count on cops to be model citizens, and that has to that has to happen all the way through, especially with their firearms. Thank you.

**WAYNE:** Thank you for wrapping up quickly when you saw the yellow light. I really appreciate that. Any questions from the committee? No. And thank you for this. Next opponent. Next opponent. Anybody testifying in the neutral capacity? Neutral capacity. We have-- [INAUDIBLE]. I was trying to see how many letters of support. Seventeen letters for the record, 6 of them in support for-- 11 of them in opposition. You can close. Senator waives closing and that will conclude the hearing on LB17. We are going to take a short recess. How this is going to work is the proponents will be in the room for the first hour. The opponents will come in the room for the second hour and those testifying in neutral capacity will be in the third hour. So I'll ask you, if you're not a proponent, I would ask you to step out in the hall and there are-- do we got extra overflow rooms yet? No? So you can go to the cafeteria. But that way we try to keep this moving pretty fast. And after you get done testifying, I will ask you to leave so we can get more proponents in. So that's how this is going to work. So we'll take a short recess to make this work.

[BREAK]

**WAYNE:** All right. I'm going to give some brief comments here just to help kind of speed this along. So make sure everybody has blue testifier sheets. If you are testifying, make sure one of our pages grabs them when you come up. That way, we can make sure we spell your name, record-- your name accurately for the record. When you testify, please spell your first and last name to begin with. Second, there are



no props allowed in this room. That is the rule. And props include any open carry. To me, First Amendment and Second Amendment are both fundamental. You can't, you can't walk in here and hang up a sign. You can't open carry in here when you come and testify. Out-- outside of that, I just want to make sure people know that. I will tell you that if you want to keep this going quickly-- I know Senator Brewer would like us to try to have a conversation and Exec about it tonight. The only way we're going to do that is to make sure that those who are playing are coming up to just give self-- or repeating comments that somebody said before, I would highly encourage you to, instead of coming up to say the same thing somebody said before, go over here. There are some yellow sheets. We can have people in the red coat come around, fill out your yellow sheet, tell us your position. It will be a part of the record and you will be a part of the record, but it doesn't make a lot of sense to continue just repeating things. How Judiciary is going to go, if we don't get to have us start having conversations about it tonight, if not tomorrow, this may not get Execed on for 3 to 4 weeks. It's just the nature of-- we have all day committee hearings starting on Monday. So it's just the nature of where we're at in Judiciary. So I'd ask for your cooperation. In no way are we limiting your time and ability to speak except for the 3 minutes you will have during this. It's a red, red, green light system. Please, at the red light, just stop. Like I'm not going to ask you to wrap it up. Just stop talking even if you're half sentence, because somebody up here may ask you to finish your sentence. But I'm trying to make sure we go through this in an orderly fashion and everybody's on the same page and we're all following the same rules. So with that, we will open the hearing on LB77. Senator Brewer, welcome to Judiciary.

**BREWER:** Thank you, Chairman Wayne and members of the Judiciary Committee. For the record, I am Senator Tom Brewer; that's T-o-m B-r-e-w-e-r.

**WAYNE:** You have to speak up a little bit, Brewer. This is the worst room of all times.

**BREWER:** All right. Sorry. I'm fighting a sinus infection, so. All right. I'm here to introduce LB77. This is a bill that will make Nebraska a constitutional carry state. This has been a bill that has been part of a process since 2017. And maybe that's part of the challenge I have here today, is that the people that are in the hallway and behind me have been great about coming to support the idea of constitutional carry in Nebraska. But as many times as I burn

priority bills, as many times as I bring it back, we have not made progress on it, And what we're going to do is talk a little about that now. But I think to address that, we need to kind of build a foundation. Why-- why would I do that? Why would I spend that many years and that many priority bills on a bill? I enlisted in the Nebraska National Guard in 1977, took an oath at that time, turned around when I took the commission as an Army officer, took the oath again. And just like all the senators in this room, on my very first term, I took an oath again. I think that there's a point that we have to determine, what does that oath mean? It is to support, defend and follow the constitution. Now where are my pages? Something I want to hand out here. All right, so what's being handed out, the same thing that I've handed out over and over again, is the Nebraska Constitution. Everybody's pretty familiar with the U.S. Constitution and the Second Amendment. Keep in mind that Nebraska, again, felt it was important enough to not put it any farther than the very first sentences of the constitution. So what you're going to get is Article I, Section 1, of the Nebraska Constitution. It says that all of us have the right to keep and bear arms for security or defense or self, family home or others, and for the common-- lawful common defense, hunting, recreational use, and all other lawful purposes and such rights shall not be denied or infringed by the state or any subdivisions thereof. That subdivision includes cities. Now my personal history is that I've spent 36 years in uniform. So doing this, you're going to handle weapons and be a part of that. I don't expect anyone to have that standard. But I have been a competitive shooter, a hunter for decades, and in that process, you kind of get to know folks that are both pro- and anti-gun. There's no way to not have that experience. I probably have a unique position in that there are a few that have been on the receiving end, not just the shooting end of weapons. Being shot seven times doesn't justify me having any special place in this conversation, except the fact that I understand the significance of what I'm asking here today. LB502 was my first attempt at constitutional carry in 2017. That was part of that process of when you're a freshman and you have bright ideas on bills and you get educated quickly on your failures. So what happens? It got a late hearing and it died a quick death. So in 2021, I came back with LB236. Some of you guys remember that. It was my priority bill again. And what it would do is it would give counties the power to authorize concealed carry without a permit. So essentially what we're doing is going to the county level instead of the state level with constitutional carry. Again, the group you see me behind me were great and they came and they testified and we gave it our best shot and

everything was lining up and we thought we had it, and then the Attorney General sent a memo that said that he believed that the bill was unconstitutional. And what they said was that giving the power to the counties would mean giving away the Legislature's power to have an issue that is really a statewide issue delegated to the counties. So what you have in your possession is that document that we received from the Attorney General. On the back you can see that, and the Reader's Digest version of it here. LB236 addresses a topic, the carrying of concealed weapons, and that is a matter of statewide rather than local concern and it cannot be delegated to counties. So what we did at that point was we took LB236, we turned it into a bill that helped resolve some issues, we essentially gutted it, and we were able to at least use that bill as a learning tool to move forward. And that moved us into LB773. And most of you remember that from last year. LB773 was what we thought we were finally there. We worked hard with the Omaha Police union to try and find a carve-out, an ability to give them what they want and still have constitutional carry. The problem with that is you really can't have both. You either follow the constitution or you have a special carve-out for a city, and the attempt to do that with LB773 ended in failure. So this is why we got to LB77. We have guidance from the Attorney General that says it needs to be a statewide law with no carve-outs. We have the constitution that says it's a constitutional right. So LB77 is a clean constitutional carry bill that follows other states. It's following the-- the Attorney General's guidance. The challenge that we have with the way things currently are, with the concealed carry card, is it costs. And even though some may not think that's an issue, it is, because you're charging for a constitutional right. I am pretty sure that if we had a permit required for free speech, if we had a permit required to be able to vote, if we had a poll tax, everyone would lose their mind over it. But for some reason, you can say you cannot do what's given to you in the constitution with your right to keep and bear arms, and we're willing to allow that to happen. That's all constitutional carry is. We have all of our neighbors, with the exception of Colorado, that currently has constitutional carry. As a matter of fact, based on the current census, 118 million people across the United States live under constitutional carry now. That's one in three Americans. When states possess constitutional carry, you're not seeing an increase in murders with handguns. Again and again, opponents have given the perception that this would become the "Wild, Wild West." Well, if you remember the discussions when we got concealed carry, when that card was first approved, that was what they said. None of that came about. We're not trying to make Nebraska a

pioneer in this. If you just simply look at the fact of all of the states that currently have constitutional carry, like Texas, they're not experiencing this. So we're not-- we're not trying to find something that's impossible, difficult, scary or anything else. Missouri has big cities. So why our police would be unable to do the same quality work in the same conditions, constitutional carry, as other states and other cities, I do not know. If you look at the number of police officers who are currently in our ranks compared to ten years ago, we are down considerably. But if you look at the population, we're at 175,000 more in Nebraska from 2010 to 2020. So we have fewer police, more people. Now, if you go out into my neck of the woods, as I called my sheriffs, everyone is in support of it. Now I think the police union will come in in neutral, and I'm OK with that, because Lincoln and Omaha or Douglas and Lancaster, they have different requirements than my officers do out west. But many of them are dealing with a single deputy or two, and they're-- they're not fearful of the citizens being armed. As a matter of fact, they think that's an asset they may need to call upon someday. I hate that it's become a battle with law enforcement on this issue. I've always supported law enforcement. I've been a reserve police officer in the National Guard. I commanded the Special Operations Detachment, working with the Nebraska State Patrol and the DEA in Afghanistan. I commanded the Border Management Task Force, which was all law enforcement. My brother is a sheriff. So, again, I'm struggling with the fact that we've come into this dilemma where it's me against them on this issue or the citizens against law enforcement. Law enforcement needs all the help they can get right now. I had a bill, LB582, which was simply to help resolve the issue of stolen guns in Nebraska. It was a gun [SIC] that was brought to me by the Omaha Police Department. I gladly burned my priority that year on it instead of constitutional carry. I've got LB265 now, which was brought to me by the Fraternal Order of the Police. It has to do with giving protective vests to those working in Nebraska Department of Corrections. I've got LB196, which help-- supports the retirement for Nebraska State Patrol. So this is not the issue that I would like to see it right now, that-- that we're in opposition over this. But I cannot meet what the Omaha Police Department wants me to do with carve-outs and still follow the constitution and have constitutional carry. I agree with the fact that training is essential, but it should not be a part of what is mandatory for a constitutional right. The Nebraska Firearms Owners Association will have someone, Trish, will come up and talk about a program that we have in order to allow folks to have free training, not require training. The problem with our current program is that

it's a one-size-fits-all and there's no opportunity to have training that fits the needs of a particular individual. So let's-- let's go ahead and wrap this up. I will have a probably extensive close because there'll be plenty of things we can talk through as thIS day goes on. But I want everyone to understand that I didn't pick this as a personal priority to see it go through the same path again. We have tried to put some guardrails in. We have tried to get this to where it's a bill that we can move forward with and that we are not taking one of the paths that we've taken before. But there's no way to get around that, if you're going to supp-- support constitutional carry and follow the constitution, this bill is what we have to move forward with. This bill is about honoring the promises that I've made to Nebraskans, and I think we've made in swearing to the Constitution. I would ask for the committee to advance LB77 to General File as soon as possible and I am available for questions.

**WAYNE:** Any questions from the committee? Senator Blood-- well, hold on. Just so everybody knows, after Brewer's 25-minute opening, you only have a half hour left for proponents. No, I'm kidding. That was a great joke. Senator Blood.

**BLOOD:** Thank you, Chairperson Wayne. Senator Brewer, I'm going to ask the same question-- I see Spike back there too. I have only one question. So would you agree that the Second Amendment already gives us the right to bear arms?

**BREWER:** Correct.

**BLOOD:** So our constitution doesn't talk about concealed carry or regulated carry. So what I don't understand is, why doesn't the federal government uphold the constitution? Why are we always dealing with this at the state level?

**BREWER:** Well, I think what we're trying to do here is follow Nebraska Constitution. I mean, that's why I handed it out. I mean, there's a lot of federal issues that are not-- are not blankets for the entire nation. I think Nebraska was very specific in saying, you know, the-- the very thing that I read through in the beginning, that it-- it was for all of those purposes, and part of that was to protect your-- the individual and the family and your home and--

**BLOOD:** And I don't disa-- I don't disagree with any of that. I-- I was just hoping for-- my word today is obviously compelling, as I said on the floor. But I-- the thing that I never-- that I never hear, ever in

the last six years, is-- I always hear from all of the supporters behind you, Second Amendment, my Second Amendment right. Well, if this is our Second Amendment right, why the hell can't our federal representatives get their stuff together and make it happen? Why does it keep falling on your shoulders and why does it keep falling on our predecessors' shoulders?

**BREWER:** Well, I think there are numerous things that the federal government's failed with and-- and, you know, we'd be here a long time if we're trying to fix those. We try at the state level to do as much as we can, but this is one that's within our control here. If we make the decision to move forward with this bill, it will become the law of the land in Nebraska and we will have constitutional carry, like all of our neighbors, except Colorado. And-- and that, I guess, is the purpose of what I'm trying to do here. I don't disagree that a blanket motion on the part of Congress to do something wouldn't be great, but I just don't see that probably happening. So I'm worried about Nebraska, and that's where the focus here is with the bill.

**BLOOD:** Fair enough.

**WAYNE:** Any other questions from the-- Senator Geist.

**GEIST:** Thank you. And I just have one little question, and it's on the failure to announce. And so as a concealed carry permit holder, if I get stopped for speeding, I have to tell the officer that I have a loaded weapon in my car, and you've included that--

**BREWER:** Yes.

**GEIST:** --announce, which I appreciate, because I think that helps a law-- law enforcement, especially if they're in Lincoln or Omaha, who is a law-abiding citizen and who isn't. The only little tweak that I-- that I would just ask, to see if what you-- and first you tell me your response and then we'll go after that. But for every time that the person fails to respond, they get a misdemeanor. Right? So at what point does that person fail to be a law-abiding citizen if they continue to not announce? And they have to have some kind of encounter with an officer before they have to announce, so do you see what I'm saying? At what point is that person--

**BREWER:** Well, I do, but understand that by-- by that act, if they have a repeat offense, they're no longer eligible to-- to own a gun, buy a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee January 26, 2023  
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gun, because their-- is a gun-related offense that they're having. So I think it's a self-correcting problem if they fail to do it.

**GEIST:** Well, if that offense results in a felony?

**BREWER:** Well, but you can have multiple misdemeanors that can prevent you from being able to purchase a weapon.

**GEIST:** It's not a felony charge that makes you a prohibited person. I thought it was just a felony.

**BREWER:** Well, no, it can be.

**GEIST:** And I'm not an attorney. Maybe I'm wrong with that.

**BREWER:** No, it can be. I'm not saying it can't be a felony. What I'm saying, though, is just by the act of multiple violations, a failure to inform can cause you to lose your ability to purchase or have a firearm. So, I mean, it is self-correcting to a degree there.

**GEIST:** OK. All right. That's all.

**WAYNE:** Thank you. Any other questions? Seeing none--

**BREWER:** Think I'll stick around for close.

**WAYNE:** OK. First proponent. Welcome to your committee.

**BRUCE DESAUTELS:** Thank you, Senator. My name is Bruce Desautels, B-r-u-c-e D-e-s-a-u-t-e-l-s. I'm from Stratton, Nebraska. I traveled four hours to be here. Sir, I'm 63 years old. I'm blind in one eye. I travel a lot, and the only protection I have is my-- my sidearm, that's it, and protection for my wife. I have lots of guns. I've never had an issue with the law. I've lived in Nebraska for 17 years. I've never had an issue. Whenever I am carrying, I always announce to an officer when he-- if I'm pulled over, which I haven't been pulled over in ages. But my point is this, sir. You know, we have the Bill of Rights and none of those-- and none of those rights is there a provision where we have to pay a fee and get permission to exercise that right, except for the Second Amendment. I find that very strange. Now, as far as open carry goes, well, that's all well and good, but here's the problem. If you ever walk into a situation where there's an attacker and you're the one that's carrying an open sidearm, guess who's going to be the first one to get shot? That's just common sense. Now, if you're concealed carry, in this case we're talking

constitutional carry, the attacker never knows who's-- who's carrying a weapon and who can defend themselves and their-- their neighbors. OK? So with concealed carry, I have to pay \$100 to the state. I have to take an expensive, quote unquote, safety training course. And then every five years, I have to renew that permit at a cost of \$50. That same sidearm, if I'm open carry, I go to my county sheriff; he does a background check on me. And by the way, every time I purchase a firearm, I have to go through a background check. He does a background check on me. I pay a \$3 fee-- or, excuse me, a \$5 fee, which is renewable every three years, to purchase a firearm. That same-- that same sidearm, if I want to concealed carry, all of a sudden, I've got to go through all this paperwork and fingerprints, be put on a list, and those lists can be looked into by the federal government. And I'm sorry, but I object to that. Subjecting my privacy to possible government intrusion by requiring state registration of my person so to lawfully conceal a firearm endangers my constitutional rights. As presently codified, Nebraska's concealed carry requirements are open to abuse by state and federal authorities, particularly by those who desire to surveil and intimidate lawful owners of firearms. Such laws create a de facto gun registry, making easy the task of government confiscation and perhaps providing the incentive to do so. Now, I've never violated a law in this state, ever, especially a firearm law. I'm a-- I'm a law-abiding citizen, and I have no understanding whatsoever. Do people not understand the word infringe? I have no understanding whatsoever why I need to go through all these loops and pay all of this money over and over and over again and have my name put on a list and have my fingerprints taken. I haven't broken any laws.

**WAYNE:** Sir, I'm going to ask you to wrap up. I appreciate it.

**BRUCE DESAUTELS:** Thank you, sir.

**WAYNE:** And I appreciate you driving down here. Any-- hold on, there might be some questions.

**BRUCE DESAUTELS:** Oh.

**WAYNE:** Any questions from the committee?

**BRUCE DESAUTELS:** Does anybody want a copy of my test-- testimony?

**WAYNE:** Yes. You have it?

**BRUCE DESAUTELS:** Yes I do.



**WAYNE:** Thank you. He has-- we have it-- she has it. Thank you for being here today. We're-- sometimes gov-- sometimes government's efficient. See, we actually got these copies. [LAUGHTER] I would ask that you step out, though, so more people can come in.

**BRUCE DESAUTELS:** Yes, sir.

**WAYNE:** Gonna try to get through as many proponents as we can. Thank you so much for coming down. Welcome to your committee.

**CALVIN PEMBERTON:** Thank you for having me. My name's Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n. And like Mr. Desautels, I drove three hours to be here, just to voice--

**BRUCE DESAUTELS:** Four.

**CALVIN PEMBERTON:** --just to voice my support of this bill. I don't understand why it is such a tough decision to be made when it is enshrined in not just our National Constitution, but in our State Constitution. So I know there's going to be a lot of people wanting to testify up here. But to go to Ms. Blood's statement on why it's not got a blanket, one-size-fit-all policy, that's because our founders wanted us to have individuality in our states. We are a constitutional republic, so we have that option, and our state chose to allow us to have a free Second Amendment, un-- unopposed, I would consider it. So we don't want a one-size-fit-all for everything, and I don't think there's some states-- like California and New York, their citizens generally don't want those, and so that's fine for them. But when we're surrounded here in the center of the U.S. and everybody around us has constitutional carry, I don't understand why it would be so hard to implement it here when there's already policies in place and programs that we can learn off of or-- or a map to go off of, I should say. So thank you guys very much for having me.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here today. Next proponent. I hate to say this, but if you guys, like, slide down, and that way people-- we can just keep this thing. So like every two or three, just make a slide so more people can come and testify. Go ahead.

**AARON CLEMENTS:** My name is Aaron Clements, A-a-r-o-n C-l-e-m-e-n-t-s. I'm a lifelong resident of Nebraska. I'd like to thank the members of this committee for their service to Nebraska, also Colonel Brewer for his service to this country. Constitutional carry is, by definition,

the ability to carry a firearm without res-- restriction in place by government. In a constitutional carry state, there is no licensing or training required to legally carry a firearm. Concealed carry laws have never stopped a criminal from concealing a weapon. As Martin Luther King said, a right delayed is a right denied. The cost of training and applying for a concealed carry license can prevent lower-income individuals from obtaining permits. Constitutional carry makes it possible for hard-working, lower-income, law-abiding citizens to protect themselves without an undue burden. This bill would make possible for all Nebraskans to exercise their right regardless of income. Constitutional carry would also reduce government bureaucracy and trim government spending on staffing licensing agencies. Constitutional carry takes the right to bear arms and returns it to the status of a right. If you need to be permitted to carry a gun, by definition, it is a permission or privilege, not a right. I do not believe the right to defend yourself or your family should be contingent upon the government granting you a permission slip to do so. It's time for Nebraska to recognize constitutional carry. It is time for Nebraska to join the 25 other states that have passed laws permitting constitutional carry. It is time that elected officials of the state of Nebraska stand for the unfringed right of the people of this state. Thank you for your time.

**WAYNE:** Thank you. Any questions from the committee? And for those who are watching online, the official time started at 2:46, so that'll be 3:46. Seeing no questions, thank you for being here. Welcome back. How did you get to stay in here the whole time?

**PATRICIA HARROLD:** Connections.

**WAYNE:** Go ahead.

**PATRICIA HARROLD:** All right. Good afternoon. My name is Patricia Harold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d. I am president of the Nebraska Firearm Owners Association, representing over 26,000 Nebraskans across our state. During the hearings of previous constitutional carry bills, we listened to our constituents. We listened to folks on the opponents' side. We listened to senators who had concerns about education and training. Last year's testimony, we discussed the fact that we had, in a short timeframe-- I think it was a less than 72 hours-- we secured 40 ranges and individuals who would be willing to teach a basic, fundamental gun safety course at least once a quarter across our state to demonstrate that the firearm community is about training, it is about education. What we aren't about is forced

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bureaucratic and poorly designed training and education, which is currently what is in the Concealed Handgun Permit Act. If you've ever suffered a bad CHP class, you will know what I'm talking about. To that end, we have continued our educational focus, so we are proud to announce that we are actually going to expand training opportunities because what we discovered last year is there is almost 2 million people in our state and only 4.3 percent of our population with the Concealed Handgun Permit Act, and all the focus was is we have to have CHP to-- to provide training to our citizens so that they're safe and they don't have any accidents and that they know how to behave within the law, and what we decide is that 4.3 percent population was too tiny of a population and we want to support the entire state to be responsible and be safe. And so we have now an online learning management system, very similar to any of the universities or schools that have conducted online learning. The handout I provided to you is a screenshot of the first page and then the specific training page. Within that online community, all the topics that are required by CHP and more will be within that online learning management system. It will be free. It can be taken anonymously or it can be taken with your name and information provided. We will provide you a certificate showing all the modules that you choose to take. This "modulized" approach to training will help those who have a traditional experience in firearms and understand how to operate them, take modules focused just on laws of self-defense, use of force. We also find this will be very, very important for the millions of citizens who have purchased handguns for defense of themselves and their home, who do not choose to carry concealed, because they are a population that requires use-of-force training, as well, and this will provide a broad-brush opportunity at no cost to our citizens and actually advance training within our state with the passage of LB77.

**WAYNE:** Any questions from the committee? Senator Geist.

**GEIST:** Thank you. Ms. Harrold. And I just want to say, I think this is really important. And the one thing that I've noticed with the communication I'm having with a lot of my constituents is they're asking for this and they're actually asking for it for free, so it's a huge service. And I do have a question. How does this get promoted?

**PATRICIA HARROLD:** OK. So our organization is fairly well known in our state and will continue to obviously become more well known as we grow, but we're going to basically market it.

**GEIST:** OK.

**PATRICIA HARROLD:** We are a super nonprofit, very nonprofit, but all of our channels throughout our state are going to basically make sure that folks are being informed. We're getting on the radio. We're going to be doing online advertisements. We're going to be at all the gun shows, which we go to, also community events like the home and, you know, fashion shows and-- and whatever, wherever we can get out there. And then we obviously hope, you know, for U.S. senators to avail your constituents with that information as they reach out to you, letting them know there's this wonderful online opportunity for them. I will also address the hands-on component as well. So that list of 40 that we got within 72 hours has now grown to almost 100 individual instructors and ranges, and many of them are actually already beginning to offer this free training themselves to provide folks an opportunity to go hands-on and-- and-- and become comfortable with their firearm.

**GEIST:** I think that's super important. Thank you.

**PATRICIA HARROLD:** Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here.

**PATRICIA HARROLD:** Thank you very much.

**WAYNE:** Oh, sorry. Senator DeKay.

**DeKAY:** Thank you, Chairman Wayne. One quick question. I-- I heard it. I forgot it. What is the membership number that you have in your org?

**PATRICIA HARROLD:** So we have already 20-- over 26,000 members.

**DeKAY:** Thank you.

**PATRICIA HARROLD:** Thank you.

**WAYNE:** Thank you. Any other-- our next proponent. Sorry. Thank you for coming.

**JASON WALTER:** Thank you. My name is Jason Walter, J-a-s-o-n W-a-l-t-e-r. Thanks for having me. I've served the state, the county and our country for several years throughout my life, and I've seen a lot of bad things. There is no reason anybody shouldn't have the best

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method to defend themselves of their life, none. God gave you the right to self-defense, whoever your god may be. It wasn't-- it wasn't the country. God did that. You have a right to your life and you should be able to defend that no matter what. A firearm provides the best defense for that. This isn't about unions. This isn't about police departments. This is about everybody. Everybody has the right to self-defense. That's all I have to say.

**WAYNE:** Thank you. Any questions? Seeing none, thank you for being here today. Next proponent. Welcome.

**PATRICK PETERSON:** My name is Patrick Peterson. I'll be presenting testimony on behalf of the Nebraska Freedom Coalition, which represents thousands of patriotic Nebraskans.

**WAYNE:** Can you spell your name?

**PATRICK PETERSON:** P-a-t-r-i-c-k P-e-t-e-r-s-o-n.

**WAYNE:** Thank you.

**PATRICK PETERSON:** We'd like to express our strong support for the constitutional carry bill, LB77 under the current consideration in the Unicameral. This bill, if passed, would allow law-abiding citizens to exercise their Second Amendment rights without the burden of government-mandated permits or fees. The Second Amendment to the United States Constitution guarantees the right of citizens to keep and bear arms. This right is not only fundamental to our individual freedoms, but also to the preservation of a free society. The founding fathers recognized the importance of an armed citizenry as a means of protecting against tyranny. And this principle is just as relevant today as it was over 200 years ago. The current system of permitting and registering firearms is a clear violation of the Second Amendment. It forces law-abiding citizens to jump through costly and time-consuming hoops in order to exercise their constitutional rights. Furthermore, it disproportionately affects low-income and minority communities who may not have the resources to comply with these burdensome regulations. The constitutional carry bill would eliminate these unjust restrictions and allow citizens to exercise their Second Amendment rights without government interference. It would also bring our laws in line with the majority of states that already have some form of constitutional carry. We urge you to vote in favor of this bill as it is a crucial step in protecting the freedoms enshrined in our constitution. The Second Amendment guarantees our right to bear

arms and it is the duty of our elected officials to uphold and defend this right. We understand that the issue of gun rights is a complex and controversial one; however, we believe that supporting this bill is a clear and straightforward way to uphold the constitution and defend the rights of law-abiding citizens. I urge you to vote in favor of the constitutional carry bill and stand up for the rights of your constituents. Sincerely, friends of the Nebraska Freedom Coalition.

**WAYNE:** Thank you. Any questions from the committee? Thank you. Hey, real quick, won't go towards your hour, how many people over here in the small, little section over here, plan on testifying? Because I kind of made up the rule as we went to hop over here, so just you on that side?

**SPIKE EICKHOLT:** Yeah.

**WAYNE:** So I'll let you go and then we'll go back with this, because unfair to them if they weren't even sitting over there and all of a sudden they can't testify, so just trying to be fair.

**SPIKE EICKHOLT:** Sorry, I gotta get ready to talk then. Sorry, I wasn't quite ready. My name is Spike Eickholt, S-p-i-k-e; last name is E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in support of LB77. We want to thank Senator Brewer and others for introducing the bill. We are a membership organization that represents about 370 criminal-- or 370 attorneys who practice criminal defense throughout the state, some public defenders, some private attorneys. Particularly in Lincoln and Omaha, one thing that many of our members regularly experience is people who are charged under city ordinances for different firearm violations that do not exist in other parts of the state. What we like about this bill is it does provide for consistency throughout the state for the collateral consequences for certain criminal convictions, and it prohibits the cities and villages from having laws that are inconsistent with state law. It's our position that criminal laws should be clear, consistent, and the consequences of violating a state law ought to be the same throughout the state, regardless of where you are convicted. For instance, in Lincoln, the city of Lincoln, they have an arbitrary listing of various misdemeanors and some felony offenses that will result in your light-- your right-- your right to lose-- possess a firearm. Many people don't know that a bar fight will result in a ten-year bar to having a gun in Lincoln. Many people don't realize that a second-offense DUI conviction will result in a ten-year prohibition in Lincoln. Some people might say,

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well, Lincoln and Omaha are different, we should let them have the discretion to have these sort of looser standards. We would submit that that is exactly what's wrong. When you have an arbitrary listing, when you have these amorphous ordinances, that leads to what we regularly see as ad hoc, inconsistent application of the law. It leads to a system of criminal law enforcement that is just not fair. And it's our position that the consequences for being convicted of one crime ought to be the same no matter where you're convicted, particularly if it's a state law conviction. In 2018, District Court in Lancaster County, Nebraska, did find and reverse a conviction for someone who was convicted under the Lincoln city ordinance. The court did not strike down the ordinance in total, did not find that it was facially unconstitutional, but the judge did strongly opine that it was. And in that instant case for that appeal. State v. Bell [PHONETIC] and I've got it cited in the materials. The court did reverse the conviction. Despite that, the city of Lincoln continues to charge under that city ordinance for a select few group of people. We encourage the community to support the bill, and I'll answer any questions if you have any.

**WAYNE:** Any questions from the committee? So I just want to point out you are supporting new misdemeanor crimes.

**SPIKE EICKHOLT:** Well--

**WAYNE:** You have taken a hard line against this. No, I'm just giving you a hard time. Appreciate your support.

**SPIKE EICKHOLT:** We call it-- we would call it an adjustment.

**WAYNE:** Any questions from the committee? Seeing none, thank you for being here.

**SPIKE EICKHOLT:** Thank you.

**WAYNE:** Welcome to your committee.

**ALLIE FRENCH:** Thank you. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I am representing Nebraskans Against Government Overreach and our nearly 7,000 members. I do know there's been a position of neutrality taken by the National Sheriffs' Association. An amendment, of course, would be-- you know, would fix it all, is what they say, which is great, but that's what was said last year too. When it comes down to it, we don't make laws to make the government's job easier, nor law enforcement. It may sound harsh, but the reality is that both

are a service. Laws are put in place to govern the people. Services are secondary to the people. So frankly, the outside commentary should be considered irrelevant. Either you support our Second Amendment or you don't. Everything else is an obstacle for the services to navigate that shouldn't become the burden of law-abiding citizens. As it is pointed out a million times over, criminals don't care about laws. Now, I took a different spin on this because I know you guys are going to hear a lot of the same stuff from people, so I have a really fun analogy for you guys today. Guns are like spiders. They're almost always is one at least within six feet from you, and they don't want to have anything to do with you. They're probably not even going to-- you're not even going to know it's there. But it's there and it may do something if you do something wrong or threaten it and it needs to defend itself in that case. Now, some people don't like spiders, so they take that extra step of exterminating their home to prevent them from being there. Unfortunately, you don't get to go and exterminate the spiders from your neighbor's home. There is a clear distinction there. Now, at the end of the day, spiders have a place in our lives and one can do their best to eliminate them in their own lives, but they're a purposeful part of our everyday lives. To the people that are concerned about uneducated individuals walking around with dangerous weapons, I have two points to make there: (A) it'd be a really great idea to teach a concealed carry clause or equivalent because, like Trish had also mentioned, the concealed carry class that we have currently in place doesn't give people the proper and full training that most people feel comfortable with then using their own firearm. It would be better, in my opinion, to implement that class in high school. Our schools should absolutely teach the basics of firearm use and safety. As a foundational right of our country, it only makes sense that our public schools implement a thorough understanding, not only of the purpose but the proper way to utilize that right. And secondly, most people who are unfamiliar with firearms, which would be the people who are most danger having one, seek that help. I work at a range here in Omaha, and I can't tell you the amount of people that come in, who don't yet have a permit, who don't yet have a concealed carry card, but they want to know more. They seek out that help when they don't have the answers yet. Thank you.

**WAYNE:** Thank you for stopping with the red light. I really appreciate that, because I don't like to be the bad guy. Any questions from the committee? Seeing none, thank you for being here.

**ALLIE FRENCH:** Thank you.



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**WAYNE:** Next proponent. Welcome.

**DENISE BRADSHAW:** Good afternoon. Can you hear me?

**WAYNE:** Yep.

**DENISE BRADSHAW:** Good afternoon. Thank you all. For this hearing. My name is Denise Bradshaw; that's D-e-n-i-s-e B-r-a-d-s-h-a-w. Well, Senator Brewer already beat me to the opportunity in reading our State Constitution and our very first Bill of Rights, so I won't repeat that. So I'm here to say that gun rights are women's rights, and that's a genuine distinction that I don't think a lot of people understand. I'll say it again. Gun rights are women's rights. LB77 is required by our constitution. There can be no argument of that. So the question then becomes, why would anyone be against it? And I think a lot of it is because people have never met someone like me. A woman who wants to be able to carry, open carry, and have constitutional rights behind it. So I sit here very sober and very determined to make sure you guys understand how important this is for women. Gun rights are women's rights. I've been in this fight before. And someday I remain hopeful that the Unicameral will finally understand that the right to bear arms has already been passed. So please pass LB77. Thank you.

**WAYNE:** Thank you, and thank you for your testimony. Any questions? Seeing none, thank you.

**DENISE BRADSHAW:** Thank you.

**WAYNE:** Welcome.

**CINDY MILLER:** Hi. Cindy Miller, C-i-n-d-y M-i-l-l-e-r. I'd like to say ditto to everything everybody else said. I'm just going to add just a couple of things. Our founding fathers would be aghast that we are sitting here trying to talk to you, to convince you to allow us to carry arms. I would like to quote Thomas Jefferson. He said: The constitution of most of our states and of the United States assert that all power, all power is inherent in the people, that they may exercise it by themselves and that it is their right and duty to be at all times armed. Thank you very much.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here. Next proponent. Welcome.

**DAVE KENDLE:** Wel-- or thank you, Senator. Thank you all, Senators. My name is Dave Kendle, K-e-n-- D-a-v-e K-e-n-d-l-e. I'm from Seward County, Nebraska. Individual liberty is the very foundation of America. It is the one thing that truly makes this country unique among all nations of the world. It was founded on the idea that people don't exist to serve the state, this-- but rather that the state exists to serve the people by protecting their individual liberties. The right to self-defense, self-determination, and to keep and bear arms, which are protected by LB77, are the rights of a free people. To be-- to be clear, these are rights, not privileges. And-- and to that end, the right to keep and bear arms is explicitly recognized in both the U.S. Constitution and the Constitution of the State of Nebraska. These are natural rights that accrue to all of the people of this country, and every state bordering Nebraska except Colorado have recognized this by implementing constitutional carry laws. A total of 25 states now have constitutional carry. Believe it or not, even the people of Lincoln and Omaha have these rights. But rather than admit that, their governments tell you that they have special problems that make it difficult for them to recognize the people's rights in their cities. All too often, special-- the, quote unquote, special problems has been used historically as an excuse to deny many of these rights to people, especially the most powerless in those cities. The people of the state, all of them, should never be required to beg the state, their country or their city for a permit to-- or to pay a fee to exercise any right, and certainly not those most funda-- not these most fundamental rights. I have a letter that I included in the packet that I handed out from our county sheriff in Seward County, and I'd like to read that now. To whom it may concern: I'm writing this letter in support of legislator bill-- LB77, which is sponsored by Senator Tom Brewer. I'm a 35-year-plus law enforcement veteran and current second-term sheriff, and I'm also a military veteran who served four years in the Marine Corps. I have read this bill in its entirety and fully support the passing of this bill as one of our law-abiding citizens' constitutional rights. If anyone would like to speak with me regarding this bill, I'd be happy to speak with them. Respectfully, Sheriff Mike Vance, Seward County Sheriff.

**WAYNE:** Any questions from the committee? Seeing none, thank you for being here today, sir. Next proponent.

**MARGO CHENOWETH:** Good afternoon.

**WAYNE:** Good afternoon.

**MARGO CHENOWETH:** My name is Margo Chenoweth. I'll spell it for you: M-a-r-g-o; last name is C-h-e-n-o-w-e-t-h. And, yes, Kristin Chenoweth is my cousin. She does not know that. She doesn't know I exist, but we are nevertheless related. Anyway, that gets that out of the way I ditto, again, everything that my fellow supporters have already said. I am here representing the convention of states, which we had the pleasure of passing last year just about this time. And so with that in mind, you know that I'm very dedicated to our constitution and primarily in its original form. I also represent Patriots United, which is a great group out of Norfolk, Nebraska, And we are all behind this-- this bill. I also want to just redraw your attention, all of you, to the fact that the people supporting this bill, a lot of them still out in the hall, came from the four corners of Nebraska. Many people drove three hours, four hours, two hours to be here, took time off work, you know, relinquished a lot of their substance [SIC] just to be here. I do want to tell you, too, that this card I'm holding, which is my concealed carry permit, by the time I got this acquired, cost me over \$300, \$350-plus, actually, to get. I'm a retired person. I live on \$1,250 a month. That's an almost insurmountable position for a lot of people. Happily, I have a rich husband and don't have to worry about it, but that's all the disposable income I have. Anyway, I just want to remind you all that you all-- you represent not only the district, the people that elected you, but in essence you res-- you represent all the people of Nebraska in that whatever you decide to do is going to affect us all. So you all are representatives of the state of Nebraska and all the people of Nebraska. I am asking you to remain faithful to honor the pledge that you took when you were sworn in, to honor the Nebraska Constitution-- that's Article I of the Nebraska Constitution-- as it is written. I'm also asking you to honor the United States Constitution, the Second Amendment. Thank you very much.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here.

**MARGO CHENOWETH:** Thank you.

**WAYNE:** Welcome.

**BILL AULTZ:** Thank you. My name is Bill Aultz, A-u-l-t-z. I live in Otoe County, Ms. Slama's district. I was here at the Capitol in 2020, spoke on several-- record several times against LB58, the red-flag legislation that Adam Morfield wrote. I was also here fighting against McCollister's legislation that failed big time back then also. Before that, I was knocking on doors, calling family and friends, coworkers,

neighbors, gathering signatures, and was heavily involved in making my county, Otoe County, a Second Amendment sanctuary county. When all but 2 of the 93 counties in our state had county commissioners sign resolutions in 2022, I was here testifying for constitutional carry also. I believe in freedom and all what our amendments actually say and stand for. They are rules for the government to adhere to. It's not the other way around. I believe in fighting tyranny in all its forms. Morfield, McCollister, and other senators like Hunt, in my eyes, are tyrants. When I reached out for-- to McCollister in 2022 about constitutional carry, his office replied to me after asking him if he would support constitute-- constitutional carry, his-- his actual office re-- reply was: saw no mention of handgun in the constitution. A year ago, Senator Hunt tried to put language in LB5-- LB496 that each person who intends to carry a concealed weapon should be subject to thorough vetting, including DNA sample to be checked; person who is applying under a concealed handgun permit should have a DNA sample ran and checked. She either hasn't read the Second Amendment or the State Constitution or doesn't care what they say. Last year, one senator caught my attention during the constitutional hearing. His voice and opinion about carry was Senator McKinney. He caught me and others off guard in that committee hearing. I did not get a chance to talk with him after the hearing or during the voting. I hope he still has this opinion on how his constituents should have the same civil rights, not gun rights, no matter what the police think, no more paperwork, no more fees, no more permission. The federal and state bureaucracy is here. It is and has always been the greatest danger to freedom and liberty in our nation, of which both political parties are responsible for. Thank you for your time.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here.

**BILL AULTZ:** Thank you for your time.

**WAYNE:** Next proponent.

**TREVOR REILLY:** Good afternoon, Senators. My name is Trevor Reilly, T-r-e-v-o-r R-e-i-l-l-y, and I am testifying on behalf of the Libertarian Party of Nebraska. Spent about a year as a primary marksmanship instructor in the Marine Corps, and I've also had my concealed carry license for the last five years. The Libertarian Party in Nebraska supports LB77 and believes the only legitimate use of force is in defense of individual rights-- life, liberty and justly acquired property-- against aggression. We affirm the individual right

recognized by the Second Amendment and of the Nebraska Constitution to keep and bear arms and oppose all the prosecution of individuals for exercising the rights of self-defense. We oppose all laws at any level of government restricting, registering or monitoring the ownership, manufacture or transfer of firearms, ammunition or firearm accessories. LB77 contains multiple provisions which improve Nebraska statutes closer to this ideal. One example is the correction of state law to nullify municipal ordinances, such as Omaha requiring a permit to open carry or Lincoln's ban on bump stocks. While local control is typically a libertarian position, this conflicts with the belief that governments do not have the authority to determine how individuals or voluntary associations of indiv-- individuals choose how to arm themselves. Another provision that stands out is the update to an affirmative defense for an individual to carry a concealed weapon on page 19. The application of this law effectively develops the expectation of responsible behavior from firearm-carrying Nebraskans, while enabling property owners to establish the conditions regarding the presence of personal defense weapons on their own property. An anecdote illustrates how this could unfold, and I'd ask for you to please consider the real-world example of Kate Nixon. On the night of May 30, 2019, Kate Nixon had discussed with her husband Jason whether or not she could take a pistol to work by carrying it in her handbag due to concerns over a coworker. She decided against it because of a city policy that prohibits employees from bringing weapons into the building. The next day, that coworker used a .45-caliber handgun to attack and murder his colleagues. Kate Nixon was one of the 12 victims in the horrible Virginia Beach shooting of 2019. If Kate could resist the shooter, she could still be with her husband and family today. It is also fair to argue that it could not have made a difference in how the events unfolded. But what could have been is not and there is some indication as to why: the city policy prohibiting the carrying of concealed weapons. It did not stop a tragedy from occurring, but it certainly prevented a peaceful person, at least the opportunity to defend themselves and others. In respect of the time I have to testify, these two points, state preemption and affirm-- affirmative defense, are just two critical aspects of this bill. There are many more important points to the merit of constitutional carry, and I hope you recognize these and vote this out of committee to the floor. Thank you, Senator Brewer, for this bill, and to the committee for your time. I will take any questions if you have them.

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**WAYNE:** Any questions from the committee? And thank you for shortening your testimony. We've got your written testimony, so thank you. Next proponent.

**MICHELLE ZAHN:** Good afternoon. My name is Michelle Zahn, M-i-c-h-e-l-l-e Z-a-h-n. I am speaking on behalf of the Nebraska Firearms Owners Association as their Otoe County resident and representative in support of LB77 constitutional carry. I am a schoolteacher, a firearms instructor, and a firearms owner. I-- as an instructor, I have worked with over 50 women whose lives were at risk because of the excessive delays and costs associated with the permitting process. These women needed training and the ability to carry immediately. But with our current CHP Act, they were left defenseless outside their homes and in their cars. I could quickly meet their education and training needs, but I was left with only offering nothing but hope and prayer as they waited in fear for their permit process to finish. Additionally, I am 1 of over 50 individual trainers and ranges who came forward last year to answer NFOA's call to support individuals who cannot afford training an opportunity to receive formalized instruction. Each quarter, I will offer a handgun safety and fundamental operations class, which will include live fire, to citizens from Sarpy, Cass and Otoe County. I have already conducted several of these free events for individuals and small groups. The range where I also work has already begun to offer free new-shooter seminars once a month in Douglas County. While our list of instructors and ranges continues to grow, we are very excited about exploring how we can partner with Nebraska Game and Parks, which also offers free or low-cost training options for individuals and families at many of our state parks. We are hoping to explore how to expand those offerings and ensure citizens are aware of this great training opportunity. I have been in education for over 20 years and I am proud to be a part of the team who will be developing the free e-training to Nebraskans through the NFOA online community. As members and leaders of NFOA, we embrace the truth that our rights are protected by the constitution, not granted, and we also believe that education and training offers value to those who need it. We are proud to strive for both.

**WAYNE:** Thank you.

**MICHELLE ZAHN:** Thank you.

**WAYNE:** Any questions from the committee? Seeing none, thank you. Just so you know, there's about 20, 21 minutes left, so count how many

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people that is, then we'll go to opponents and then neutral, and then come back to proponents two hours from now.

**ZACH GALE:** Thank you to the Chair and thank you to the committee. My name is Zach Gale, Z-a-c-h G-a-l-e, and I'm here to testify on bill LB77 and I am with an act-- I'm an activist with Young Americans for Liberty. I am testifying on LB77 today because there are two parts of this bill that we would like to see changed for it to be considered full constitutional carry. Adults 18 through 21 should not be restricted from this bill. This is unconstitutional. A similar bill that had this provisions was actually ruled unconstitutional in the state of Texas. Gun owners should also not be forced to disclose whether they are carrying to government officials without the official even asking. This would put law-abiding citizens, well-intentioned gun owners, at risk of becoming criminals for failing to perform an action-- otherwise peaceful interaction with the police. So remove the duty to inform. With these changes, Nebraska can be made a full constitutional carry state and join the other states around us, as well as the 25 other states that have full constitutional carry under their law. So I urge you today to stand for the Second Amendment and make Nebraska a constitutional carry state. Thank you for your time.

**GEIST:** I do have a question.

**WAYNE:** Yes, go ahead, Senator Geist.

**GEIST:** Yes, and I'm curious about that. I've had some emails about the duty to inform. And I'm wondering what-- what your response-- why is that a bad thing?

**ZACH GALE:** Right. So the way I view it is, if I get pulled over for like a tail light, speeding, whatever else, if I forget in that first moment to say, hey, I have a firearm on me, rather than, you know, talking with a police officer first, it might become a order of operations, PEMDAS. When is the order of operation disclosed, the moment you see them approaching your car, the moment you first see them within six feet? When is that moment to disclose that information as well? And like I said, it could be for a simple traffic violation, so--

**GEIST:** Sure.

**ZACH GALE:** --we could potentially be putting our police officers in danger by citizens forgetting to disclose that they're carrying.

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**GEIST:** But I believe that's the point of why it's required, because a police officer would like to know if you're a law-abiding citizen.

**ZACH GALE:** Correct.

**GEIST:** Then so if there is the-- the requirement to disclose, doesn't that protect every-- I mean, it-- it telegraphs that I'm a law-abiding citizen, you're-- I have-- I have-- I do that one as a concealed carry permit holder, so I-- I don't understand why that's an infringement on--

**ZACH GALE:** Right, the--

**GEIST:** --if you're a law-abiding citizen.

**ZACH GALE:** Right. And to answer your question a little bit more specifically, the reason why I consider that infringement is because it's an inherent right. Everybody has the right to self-defense. When you're talking with a police officer, you know that they're armed. You know that they're-- you're safe. You know that they have a gun on them, right? When they're interacting with a civilian, they should be given that same level of respect.

**GEIST:** Hmm. I-- I guess I just see that differently. I don't think it's disrespectful.

**ZACH GALE:** Well, not-- I didn't mean respect, but like it's like-- like if a police is pulling somebody over for something, it should be about that specific thing and if you--

**GEIST:** Sure.

**ZACH GALE:** And I believe this is the case. If you are a concealed carry holder and you get pulled over, aren't the police able to see that you're a concealed carry holder already?

**GEIST:** Well, not necessarily. I mean, if it's in the glove box or I-- I just-- you're asked to always announce.

**ZACH GALE:** Right.

**GEIST:** And whether-- and as a permitless concealed carry, constitutional carry, under this definition, no part of the weapon should be able to be seen, so the officer won't know unless you



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announce. Correct? So, see, I-- I guess I think that goes both ways. The officer has the right to know-- to be protected--

**ZACH GALE:** Agreed.

**GEIST:** --from you if you're not law-abiding.

**ZACH GALE:** Right.

**GEIST:** But if you are, then that keeps everyone safe, correct?

**ZACH GALE:** But the criminals aren't going to disclose that they're carrying.

**GEIST:** Exactly. Exactly.

**ZACH GALE:** So why should the citizens be required to?

**GEIST:** The criminal won't disclose, which is what makes the difference between a law-abiding citizen and a criminal--

**ZACH GALE:** Right.

**GEIST:** --is the disclosure.

**ZACH GALE:** Right.

**GEIST:** Thank you.

**ZACH GALE:** Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here. For those who might be watching in a different room, in the-- on the opposite-- opposition side, you should probably start gathering in the hallway and coming down to line up. Next proponent.

**JONATHAN LANE:** Hi, my name is Jonathan Lane. I'm just a guy. And-- and so a lot of what's been said, I agree with. But one thing that sticks with me is this deference to the federal government and how we as Nebraskans just wait for the federal government to do something, to make something a law or to just allow us to have our Second Amendment rights, and right now what we're doing is we're waiting for the federal government to do something. Well, federal government got us \$32 trillion in debt. It started endless wars and tells us that the only way Ukraine can be free is for us to give them guns. We just sent them 31 tanks yesterday or whatever the heck it was. So why is it a

priority to arms citizens of other countries but not allow us to defend ourselves here in Nebraska? I believe that the Second Amendment shall not infringe; it's been repeated over and over again. But it seems like it's the dichotomy of, hey, we need to give citizens in other countries guns, but here we can't have guns, and that's all I have.

**WAYNE:** Yes, Senator Blood.

**BLOOD:** Thank you, Chairman Wayne. I just want to clarify a couple things. Are you a gun owner?

**JONATHAN LANE:** No, ma'am.

**BLOOD:** You are not?

**JONATHAN LANE:** I am not.

**BLOOD:** Do you believe that-- you said several times we don't have the right to defend ourselves. We have the right to defend ourselves in Nebraska. I'm a little confused. Can you clarify that?

**JONATHAN LANE:** Well, by not allowing [RECORDER MALFUNCTION] on firearms, you're not allowed to defend yourselves.

**BLOOD:** How do we do that?

**JONATHAN LANE:** How do you mean, ma'am?

**BLOOD:** How are we not allowing people to own firearms to defend themselves? I'm confused.

**JONATHAN LANE:** Well, constitutional carry, in my opinion, is-- it shouldn't even be a theme because the Second Amendment guarantees. But here we are having an argument about something that 250 years ago was already guaranteed as a right. And now we're having to argue whether it's a right or not.

**BLOOD:** Fair enough. Thank you.

**JONATHAN LANE:** Thank you, Senator.

**WAYNE:** I understand that one. I'm still fighting for a lot of my rights. Any other questions from the committee? Seeing none, thank you for being here.

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**JONATHAN LANE:** Thank you for your time.

**WAYNE:** Next proponent and I want to say thank you for earlier in the hallway helping out. Appreciate it.

**STEPHEN BADER:** I've got big lungs so I'll talk extra loud. Hello, my name is Stephen Bader, S-t-e-p-h-e-n B-a-d-e-r. I'm the chair of the Republican Liberty Caucus of Nebraska, which is an organization that dates back to Ron Paul's first run, America first before America first was even a term. A few things. One, just to be a little palate cleanser, how cool is it that you know Christie [PHONETIC] in the way that you do, so amazing. I want to thank Senator McKinney and Senator Wayne for your openness to school choice, in particular your video talking about it is amazing.

**WAYNE:** Let's stay focused on here, focus on here.

**STEPHEN BADER:** Our next Lincoln mayor. I want to thank cottage law. Thank you, Senator Blood. Rick, you're awesome. I'm sure Don Lippert is very proud of you. And actually, Senator DeBoer, you're my senator, so I'd be very, very happy if you'd support it. In 2015, Maine instituted constitutional carry and all of the things that you're going to be hearing from the opponents is what they heard. And the data just completely knocks it out of the park. So while violent crime nationally was rising from 2015 to 2020, in Maine every single year post constitutional carry's passage, it dropped. And also in terms of property crimes such as robbery, larceny and burglary is actually at Maine's lowest since 1985. Now, correlation does not equal causation, but you're going to hear a lot of people and they're probably going to put a lot of emotion behind it. I definitely appreciate that. I did theater in school, so it's going to be good. But just understand that facts don't care about the feelings. The facts are Maine did not get unsafer. Maine actually did get safer. I'm not even contending that it was constitutional carry that made the state safer. But it flies in the face for seven years now in a row, the state has been getting safer with constitutional carry. With the safety aspect of it out of the equation, arguing against it, it's only emotional from there forward. And as such, I'm asking all of you to please support it. Use your left brain. This is a great thing. The state will be very happy with it. It's supported in urban, rural, and suburban. And-- and in particular, I mean, I would cheerlead from the heavens, Senator DeBoer, if you would support this, I really would. There's a-- I'm a Republican, POLITICO. And the old saying has always been that the toughest Democrat that a Republican could ever possibly run against

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would be one that's actually pro-Second Amendment. So let's see what you got. Thank you.

**WAYNE:** Thank you. Any questions? Seeing none, thank you again. Thank you for helping in the hallway. Next proponent. And as he's coming up, for those who want to stay for the come back as proponents to testify in a couple of hours, I'll have the pages on your way out, collect your order so you don't have to lose your order when you come back since you waited this long to testify. If you come back in the proponent section in a couple of hours, you'll still have the same, same order. Go ahead, sir.

**NICK FOLKERS:** My name is Nick Folkers, N-i-c-k F-o-l-k-e-r-s. I'm a concealed carry permit holder. I like the regulation prohibition portions of LB77 the best. Ponder, if you will, December 1941, following the bombing of Pearl Harbor, Imperial Japan considered invading the United States mainland. Admiral Yamamoto warned there would be a rifle behind every blade of grass. And it did not happen. The Japanese to English translation is debatable, but the subject matter is not. We were then, are now, and must remain armed. Thank you all for your service to the state of Nebraska and God bless the United States of America.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here.

**NICK FOLKERS:** Thank you.

**WAYNE:** Next proponent.

**BEN STANGL:** Good afternoon. My name is Ben Stangl, B-e-n S-t-a-n-g-l, and I'm 35 years old.

**WAYNE:** Please have a seat.

**BEN STANGL:** Out of respect to everyone here and myself, I prefer to remain standing.

**WAYNE:** But this is being transcribed so we have to talk into the mike.

**BEN STANGL:** I will speak quietly then.

**WAYNE:** Thank you.

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**BEN STANGL:** So I'm 35 years old. And to me, that's kind of relevant; 35 years, I'm about half of a lifetime expired thus far, and I'm looking forward to the second half. Thirty-five years ago, though, there was an amendment to Article I, Section 1 of our state's constitution. People were hard at work collecting signatures for a petition before I was born. Maybe I don't look that old. I hope I don't. But that was a while ago. And two months after I was born, the state of Nebraska, by vote on the ballot, elected to include language for the Second Amendment. It was not previously there. We have a right to life, liberty, and the pursuit of happiness. They changed that language: life, liberty, pursuit of happiness and the subsequent 50 words that-- that cover what we're addressing here today. So it's important for Nebraskans. It was important 35 years ago to include this language for Nebraskans into Article I, Section 1. Interestingly, it says it "shall not be denied or infringed." We talk about the Second Amendment and we talk about the right to bear arms and sometimes we don't finish the phrase "shall not be...infringed." We see it again repeated in our own constitution. You've seen the yellow flags: Don't tread on me. I drive by one on my way to work every day. And when I see that, instead of reading "don't tread on me," I see shall not be infringed. Because it both mentions a right and infringement, the conclusion I draw is that rights exist, whether they're infringed or not. Just because we spent the last 35 years dealing with infringement on our rights doesn't mean we need to spend the rest of my life in the same situation. It's incumbent upon you to rectify this situation. My fourth daughter was just born this month and as was stated before, these are also her rights. Let's make the first 35 years of her life one of constitutional carry. Thank you.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you. Next proponent. Young man, what's your name, in the hat right there? You.

**JOE GOEBEL:** Me?

**WAYNE:** Yes.

**JOE GOEBEL:** Joe Goebel.

**WAYNE:** Joe, I appreciate what you just did. I saw that.

**JOE GOEBEL:** Thank you, sir.

**LIBERTY ROSE BAYBRIDGE SCHINZING:** My name is Liberty Rose Baybridge Schinzing, L-i-b-e-r-t-y, last name S-c-h-i-n-z-i-n-g. I am from South Sioux City, Nebraska. I'm a 32-year-old mother of five children, ages eight and under. And I'm grateful today that I have the opportunity to support LB77. Up until December '21, I lived. In South Dakota, which is a constitutional carry state, so I didn't need a permit to carry. There was a top level national trainer that was offering a course in my area. This was an intense 4-day, 40-hour immersion course in the rules of engagement for armed, law-abiding private citizens. The course emphasizes legal issues, tactical issues, and aftermath management. We scrambled to get me a regular South Dakota concealed carry license so that I could attend the class. And getting my concealed carry license was just a matter of visiting the local sheriff's office and submitting an application. As long as you can pass the background check, your permit will be issued in a week. Fast forward to January of 2022, when I have officially moved to Nebraska. I got my new driver's license and we enrolled the kids in the Nebraska public school system. Now I was ready to get my concealed handgun permit. I took the required training course, filled out the application, had it notarized. We drove the roughly one and a half hour drive to Omaha to apply for my concealed handgun permit. Could I apply? No, because I had the regular South Dakota permit. To skip the 180-day residency requirement that I needed, I needed the enhanced permit in order to skip that 180-day residency requirement. I was now a legal Nebraska resident with no criminal history and firearms training that makes the legally required course look like a kindergarten class. But nope, I had to come back in six months. I wasn't denied to apply because I didn't have the training. I was denied because I hadn't been living here long enough. At the six-month mark, we packed up the family and drove the roughly one and a half hours to Omaha to apply again.

**WAYNE:** [INAUDIBLE]

**LIBERTY ROSE BAYBRIDGE SCHINZING:** Thank you.

**WAYNE:** I appreciate it though.

**LIBERTY ROSE BAYBRIDGE SCHINZING:** And then I waited two months to actually receive it. That's eight months where I was legally barred from using the most effective tools and tactics to defend my children. As a mother, this was frustrating. For people who live more than 30 minutes away from one of the six Nebraska State Patrol headquarters, the time and financial resources just to make the trip to apply for

the permit is a massive hurdle. It is not a complete roadblock. For single parents or for women fleeing abusive relationships, this one requirement alone essentially becomes an insurmountable roadblock to fully exercising their ability to self-defense. People only get one life. Let's make it easy for them to defend it and pass LB77. Thank you.

**WAYNE:** Any questions from the committee? Seeing none, thank you for being here. This next person will be the end of the hour, but don't get up yet. We've got to do it in an orderly fashion. Come on up, sir, and you'll be the last one. Welcome.

**BYRON MILLISON:** Thank you. My name is Byron Millison, B-y-r-o-n M-i-l-l-i-s-o-n. I was hoping to be brief so maybe one more person could speak, but I just have a question. I assume all of you wore coats today. I assume all of you noticed it was cold outside today. The fact is, constitutional carry is just a simple matter of your open carrying, which is legal in Nebraska. And you put on a coat which covers it. If you don't have a permit from the state, suddenly you're a felon. But with constitutional carry, that won't be an issue because we'll be able to just go about our day like we normally do. I do have a constitutional or a concealed carry permit. I've gone through this course, the rigamarole. But it shouldn't be a requirement. It shouldn't be an impedance to the average person. Everybody should be able to just put on-- put on their coat and go. That's all I have to say.

**WAYNE:** Senator Geist.

**GEIST:** I'll make this brief. But you do agree that not everybody should be able to put on their coat and right? I mean, there's some limitations.

**BYRON MILLISON:** Well, I'm talking about if you're legally allowed to carry.

**GEIST:** OK.

**BYRON MILLISON:** I mean, that's a whole separate argument.

**GEIST:** Well, it's part of the same argument, but-- but, yeah. OK. That's all.

**WAYNE:** Thank you. Thank you for being here. So what I would ask at this time is one of the pages could start with this young lady. And

then whoever else is testifying, the first two rows, grab them first, and then they-- and then as they come back, if you guys stay, we'll call your name three times. If you're not here, I'm going to assume that you didn't want to testify or wait. If you do want to leave your position, again, there is orange sheets over-- orange-- gold sheets over here. Please fill those out. So at this time, we're going to ask all the proponents to exit the room and allow the opponents to come in. We really appreciate it. Thank you. We'll rest for five minutes.

[BREAK]

**WAYNE:** Everyone, listen up, please, quickly. So what we're doing here is we got opponents for an hour, three minute. State your name, spell your name. If you're going to just repeat the same thing, there are some gold sheets over there. Fill out your name and your position. It doesn't do a whole lot of good just repeating the same thing over and over. It's not going to change. The first two times we either believed you and the third person is not going to change it. So it's kind of keep it a little faster. But with that, we'll open up on opponents. And you can go first, sir. I appreciate you patiently waiting.

**JOSEPHINE LITWINOWICZ:** Sorry [INAUDIBLE] but I have a different medical problem. Normally I can.

**WAYNE:** You're fine.

**JOSEPHINE LITWINOWICZ:** All right. Hello, Chairman Wayne and members of the committee. I hope you're having a good day. My name is Josephine Litwinoeicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. Sometimes I have to keep it straight in my own head, that is Vincent Litwinowicz. I'm going to oppose this bill today because it's from my community and I don't have any numbers, but I really don't want people that may not-- it may be that people that don't get a-- a license or a permit might not be as careful. And if maybe they're not as nice either. And so-- and I support-- I support concealed carry with education. I just-- I think it's a blockhead move without. I don't understand why-- why we can't, you know, as-- as Virg said in Tombstone, it's not that you can't own a gun. It's not that you can't carry a gun. You just can't carry a gun without knowing what you're doing, you know? And so that's all I have to say. So I know it's I mean, that's it.

**WAYNE:** Thank you for being here. Any other-- any questions from the committee?



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**JOSEPHINE LITWINOWICZ:** Oh, I'm sorry.

**WAYNE:** Seeing none, again, thank you for being here. Thank you for your patience out there.

**JOSEPHINE LITWINOWICZ:** Thank you.

**WAYNE:** We were going to require you staying the whole time, but I thought maybe not. Welcome to your committee.

**TODD SCHMADERER:** Thank you. Good afternoon. Todd Schmaderer, S-c-h-m-a-d-e-r-e-r, chief of police for the city of Omaha. With great respect to the committee here, special hello to the Omaha senators. The city of Omaha has a population of nearly half a million. Addressing violent crime is our top priority. As other major cities continue to struggle with rising violent crime after the pandemic, Omaha has reversed its course, and we're on our way back to the 40-year lows that we saw in 2020, very positive momentum. I heard Senator Brewer mention Missouri major cities, Kansas City and St. Louis are two of those. Look, we're not looking to replicate Kansas City and St. Louis. You can look at their statistics for crime, compare them to Omaha, and there is no comparison. Identified as negative momentum for the city of Omaha is the increasing number of illegal firearms seized by the Omaha Police Department. In 2022, we seized more firearms than we ever had during the course of illegal activity, 1458. That's our highest on record. As chief, this concerns me because I do not want to reverse our violent crime downward trend. I may talk about numbers, but going from 40-some homicides a year to the 20s represents real families, real friends of those families, and real victims. I am concerned about the loopholes and some of the unintended consequences of LB77 as it will affect Omaha. Omaha would like to keep our gun registration ordinance and LB77 would eliminate it. It plays a role in how we address violent crime. The ordinance helps us prevent the mentally ill, substance abusers, gang members, and known criminals from purchasing a firearm. With the gun registration ordinance, we fully examine a person's criminal history, including recent arrest and reports, and it helps us vet who is able to carry that firearm within the city of Omaha. I completely understand why smaller cities don't do that. But Omaha, we have that need. The Omaha Police Department tries to get in the middle of gang and gun violence and on the street. The gun registration ordinance does help with that. LB77 allows for open carry. This is a concern for heavily populated cities where it takes on an entirely hard to manage dynamic, one that the-- one that can cause harm, be tactically unsafe

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for the carrier, and increase the dynamics for law enforcement response in the populated city. The mayor, city council, and myself and we feel any future seat holders would be opposed to open carry as well, given the dynamics of a major city. LB77 eliminates the city of Omaha Firearm Ordinance Transportation 20-195. Without the ordinance, there is no way to prevent the carrying of an assault weapon. So you can walk around a populated city, outdoor venues of the College World Series, concerts, police crime scenes, place of protest. You get the picture. There's nothing that we can do about it at that point in time. The mayor, city council and myself--

**WAYNE:** Chief Schmaderer, I've been kind of hard on it, but I'm sure somebody will ask you if you have any final thoughts, any questions from the committee.

**TODD SCHMADERER:** My apologies, Mr. Chairman.

**WAYNE:** You're OK.

**TODD SCHMADERER:** I did not see the red light go on. You missed some great remarks I have coming up.

**WAYNE:** Senator DeBoer.

**DeBOER:** Chief Schmaderer, do you have any great remarks you'd like to make?

**TODD SCHMADERER:** Thank you. Let me take 30 seconds. We feel these bills are very important. These ordinances are very important for Omaha because it helps us maintain a city our size, and it is a destination city for Nebraskans and surrounding states. It is possible to eliminate the unintended consequences and loopholes. And we can come around to this because we're not against law-abiding citizens carrying concealed. We're just-- we just want to shore up these loopholes and we think that is possible to do so. Be happy to take any questions you might have. Again, I apologize for going over the time.

**DeBOER:** I'm sorry. I'm still asking questions.

**WAYNE:** Yes, you are, Senator Geist.

**DeBOER:** I'm DeBoer.

**WAYNE:** I mean, I was looking at Geist and then I turned [INAUDIBLE] Sorry.

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**DeBOER:** Can you.

**WAYNE:** It was only coffee.

**DeBOER:** Can you-- can you tell me what these loopholes, what kind of things you have in mind? What-- what thing-- what gets you there?

**TODD SCHMADERER:** We'd like to, I mean, we'd like to keep our two ordinances if we can carve out some exception for Omaha. We feel that is possible. That keeps Omaha in--.and Omaha is in a different category. There was some testimony earlier that-- that somehow these exceptions aren't in play. They just clearly are. Omaha is going to be a unique city probably from every city across the state. And we'd like to keep the ordinances that were specially designed for local control of Omaha in place so that we can help address our population in a manner that they want it to be addressed. They approved those ordinances.

**DeBOER:** If they're-- if-- if we can't do that--

**TODD SCHMADERER:** Um-hum.

**DeBOER:** --is there an alternative that would-- if you can't put an ordinance in there, is there an alternative that gets you there?

**TODD SCHMADERER:** There-- there may be an alternative that gets us there. And some of the-- the speakers that follow me are going to talk about some of those alternatives. It's-- it's a situation where we didn't really have much of a chance to compromise on this one.

**DeBOER:** All right. Thank you.

**WAYNE:** Senator Geist.

**GEIST:** Thank you.

**WAYNE:** Sorry, Senator DeBoer. My apologies. Senator Geist.

**GEIST:** Thank you. I just have a quick question. I asked earlier the question about what is a prohibited person. And it was commented that you could have perpetual misdemeanors on your record and you could still --you-- that would prohibit you from carrying a gun. Is that correct?

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**TODD SCHMADERER:** That is correct. What I would propose for carve-out solution on this piece would be if we took the city ordinances and all misdemeanors on which you received a penalty-- could receive a penalty of three months or more, inserted those into this bill that would-- that would bring us very much closer to-- to seeing this passing.

**GEIST:** Well, I would say that-- that I am in favor of a law-abiding citizen carrying a gun. My concern is that there are some loopholes that allow non-law-abiding citizens to carry a gun in this legislation. And that is my biggest concern. I do not have an issue of law-abiding citizens carrying a gun, but I don't want to make it easier for people who are not to be able to carry. Is that your concern as well?

**TODD SCHMADERER:** That mirrors my stance as well.

**GEIST:** Thank you.

**WAYNE:** Senator McKinney.

**McKINNEY:** Thank you. And thank you, Chief Schmaderer. If LB77 passes, would it potentially decrease the disproportionate amount of contact black people have in Omaha with law enforcement? Yes or no?

**TODD SCHMADERER:** I don't think it dis-- I don't think it decreases the disproportionate contact.

**McKINNEY:** Interactions.

**TODD SCHMADERER:** I don't think it-- I don't think it decreases the interactions.

**McKINNEY:** What would it decrease?

**TODD SCHMADERER:** If you take it one, two, three steps further, it may decrease the number of arrests.

**McKINNEY:** So. OK. So the disproportionate amount of arrests of black men and women in Omaha potentially decrease.

**TODD SCHMADERER:** It could. That-- that particular data point could potentially decrease.

**McKINNEY:** All right. Thank you.

**WAYNE:** Senator Holdcroft.

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**HOLDCROFT:** Yes. Thank you, Chief, for coming in. I just have a general information question. I just don't know. We were talking earlier about the announcement clause in this. If you have a concealed weapon, an officer pulls you over, you need to disclose to him that you have a concealed weapon. Does the officer, you know, he can run the plates and he can get an indication of the owner. Is there any indication in his-- in his police officer car that-- that that individual has a concealed permit?

**TODD SCHMADERER:** Well, for one-- for one, you're never going to know who the driver is, per se. Everybody on their drive home, the sun is going to come down. Just do that little experiment with me. Look at the car in front of me and see if you can determine who's in there. Even if you know the person, you don't know who's driving necessarily if there's more than-- more than one in the car. So there's never any surefire way to know somebody is concealed. I'm not sure it shows up instantly like that.

**WAYNE:** Senator DeKay.

**DeKAY:** Thank you. Chief Schmaderer, you mentioned how the murder rate had dropped from 46 to 20-something. Can you pinpoint what caused that dramatic drop in that amount of time?

**TODD SCHMADERER:** There-- there are going to be a number of reference points that I can give on that. Let me give a couple of highlights. One, anytime you have a major city, you have to work with the community to reduce violent crime. You have to make the appropriate arrest. You have to-- and that means identifying the very small select group of offenders. And I mean, they're really small select group. You have to try to identify who those offenders are and really leave everybody else alone. It's kind of the essence of policing right now. And our two ordinances, the gun registration ordinance and the transportation carry, do help with that aspect. And if you look at-- if you look at some other major cities, one of the-- some of the things that you might see a Kansas City struggle with is identifying who-- who is committing their violent crimes. If you look at some of their data, there would be a glaring hole in who-- who is committing some of their violent crimes. And you can discern that from their data points. You can't necessarily discern that in Omaha, when our clearance rate is upwards of 80 percent when we're talking of all homicides. And we did used to average 40 to 45 homicides a year from the year 2017, '18, '19, just right up to '20, we were in the low 20s, mid 20s. So those are-- those are real data points that show that our

policing protocol is working. But also, it's got to always be heavily infused with that community piece, which is something that has gotten better. But we've got a ways to go.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here.

**TODD SCHMADERER:** Thank you.

**WAYNE:** Next opponent. Welcome.

**PATRICK DEMPSEY:** Good afternoon, Senator Wayne and members of the Judiciary Committee. My name is Patrick Dempsey, D-e-m-p-s-e-y. I'm a 13-year veteran of the police department. I serve as secretary of the Omaha Police Officers Association. So those of you who came here today to support LB77 and constitutional carry, let me tell you that we get it and we hear you. Nobody was more aware of the nature of the world we live in today and the harm and violence some people are capable of than a police officer. We see the consequences every day. My time in the department, I've witnessed firsthand the devastating impact of firearms when handled irresponsibly and negligently. I have served in both the gang unit and homicide unit, two areas where criminal gun violence has the most devastating impact on our city. Again, I have no personal objection to the general intent of LB77 or the concept of the constitutional carry. However, I'm opposed to LB77 as written today, unless basic safeguards can be added to minimize the threat to law enforcement officers and the taxpayers we serve. Unfortunately, we have fundamental disagreement over whether the constitutional carry protections in LB77 should apply to non-law-abiding citizens. We believe strongly that individuals who engage in assault, domestic violence, stalking, terroristic threats/writing, disregarding lawful orders, or possessing drugs should face harsher penalties when their criminal activity is accompanied by a concealed weapon. Under LB77, individuals will not be held accountable for carrying a concealed weapon while committing these crimes. Additionally, state law currently includes a prohibited person designation for those individuals already convicted of felonious crime who have been explicitly prohibited by a judge from carrying a firearm. Violation of this law by a prohibited person is currently a felony. But LB77 again reduces that penalty to a misdemeanor. Let's be clear about the real-world consequences of the bill as written. LB77 reduces existing criminal penalties on felons and prohibited persons who use or possess a firearm. It does not take a law enforcement professional to imagine grave consequences to the safety of police officers and the citizens

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of Nebraska. Unfortunately for me and others in my profession, I don't have the-- I don't have to imagine those consequences. While serving as a detective in the gang unit, my partner, Kerrie Orozco, was killed by a felon in possession of a concealed handgun. Nationwide, 64 officers were shot and killed in the line of duty in 2022, a 21 percent increase from a decade ago. Reducing penalties for possession of concealed firearm while committing a crime and duty to inform violations will continue-- will contribute to the increase in gun violence directed at law enforcement. I am hopeful there remains a ways for both sides-- correction-- remains a way to both respect the rights of the good people here and across the state who want to legally protect their homes and families and provides police officers with the ability to get guns and criminals off the streets, do their jobs, and return each night to their homes and their families. Thank you.

**WAYNE:** Any question from the committee? Senator Geist.

**GEIST:** I'm going to ask you the same question. If a person has a misdemeanor, misdemeanor, misdemeanor on their record, can they still carry a gun?

**PATRICK DEMPSEY:** Yes, they can.

**GEIST:** If they have five misdemeanors on their record, can they still carry a gun?

**PATRICK DEMPSEY:** Yes, they can.

**GEIST:** OK. Thank you.

**WAYNE:** There's some nuances to that, though, right?

**McKINNEY:** [INAUDIBLE]

**WAYNE:** My bad. Sorry, [INAUDIBLE] Senator McKinney.

**McKINNEY:** My bad. I guess it would be a fair assessment to say that the majority of black people live in Omaha or Lincoln in the state of Nebraska. And I'm just going to ask you, should we tell every black person that lives in Lincoln and Omaha to pretty much move to another city because you guys want a carve-out?

**PATRICK DEMPSEY:** I guess I don't understand the question.

**McKINNEY:** Basically, you're asking for a carve-out for Omaha and Lincoln, cities that are heavily populated by black people to not take-- to have a carveout so the Omaha Police Department could continue to target people, essentially. So should we just suggest to them to just move to another city, move to-- not move to other cities across the state or leave the state because you guys want to carve-out to target them.

**PATRICK DEMPSEY:** I guess if you call it a carve-out, Senator, our approach on this is if you continue to carry a concealed weapon while committing crimes, we wish that those parties are held accountable.

**McKINNEY:** Do-- do every black person commit a crime?

**PATRICK DEMPSEY:** No.

**McKINNEY:** OK. Thank you.

**WAYNE:** So any other questions? So the nuances are there are certain misdemeanors that disqualify you or makes you a prohibited person.

**PATRICK DEMPSEY:** Correct.

**WAYNE:** Correct [INAUDIBLE].

**PATRICK DEMPSEY:** Domestic violence.

**WAYNE:** Or some disorderly conducts that city ordinance are written like Lincoln and Omaha, you can plead to a disorderly and still be a prohibited person if the initial charge was a domestic violence charge. So there are some lower ones. Nevertheless, I'm trying to figure out-- and maybe this isn't a question for you, but what do the ord-- how are the ordinances in Omaha used as a tool? And how would that be eliminated? Because the ordinances aren't eliminated, but how is the tool eliminated? You know, we can have this conversation offline. I'm just trying to figure it out. But due to the respect that everybody waiting, well, me and you need to talk about it, whoever else wants to talk about it. Any other questions? Thank you. Thank you for being here.

**PATRICK DEMPSEY:** Thank you for your time, Senators.

**WAYNE:** Welcome.



**BRIAN DEMBINSKI:** Good afternoon, Senator Wayne and the members of Judiciary Committee. My name is Brian Dembinski, B-r-i-a-n D-e-m-b-i-n-s-k-i. I'm a sergeant with the Omaha Police Department and a member of the executive board for the Omaha Police Officers Association. Like the vast majority of police officers, I am a strong supporter of the Second Amendment and I believe that the basic constitutional gun rights of law-abiding citizens should be upheld and protected. However, as an experienced officer who has participated in more than 100 firearm-related arrests and investigations and a number of felony assault and homicide investigations, it's the protections afforded to non-law-abiding citizens in LB77 that cause me to appear in opposition to the bill today. Again, I do not oppose the idea of constitutional carry. The Omaha Police Officers Association does not oppose constitutional carry and has attempted to negotiate with the sponsors to find common ground. But understand that the bill, as written, represents a significant threat to the personal safety of every police officer in this state. And unless the common sense safeguards we've suggested become part of this legislation, we believe that the threat to our officers and the public is too great to ignore. Under the current concealed carry statute, a CCW permit holder who comes into contact with law enforcement for any reason has a duty to inform the officer that the weapon is present. This is to ensure the personal safety of those carrying concealed and the officer and prevent any intentional harm to either party. In my career at the Omaha Police Department, I've served on the SWAT team, the gang unit, and the felony assault unit. I've participated in more than 400 high-risk search warrants and understand from experience what the presence of an unknown firearm or deadly weapon can do to escalate those situations for everyone involved. The duty to inform provision exists to avoid such escalation. Law-abiding citizens have no problem with duty to inform, but a small number of individuals continuously violate this provision. By enhancing the penalties for a second and third offense, this ensures that the violations of our CCW law actually have real consequences. This bill removes those increased penalties for persons carrying concealed who fail to inform officers that a weapon is present. Under LB77, a person carrying a deadly weapon can violate the duty to inform provision up to seven times before a felony can be charged. Again, anybody who takes their constitutional rights seriously, including many in this room, understand that the responsibilities of a legal gun owner. The reduced penalties for duty to inform violations will likely have little impact for them. No legislation should maintain constitutional protections to individuals who continuously and irresponsibly ignore basic

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responsibilities of gun ownership that exist primarily for their personal safety and the safety of law enforcement. I urge you-- these portions-- I urge you to reconsider these portions of the bill. Thank you.

**WAYNE:** Any questions? Senator McKinney.

**McKINNEY:** Thank you. Thank you for your testimony. So should legislation have carve-outs that pretty much restrict a huge portion of the black community from having-- from constitutional carrying a firearm?

**BRIAN DEMBINSKI:** I don't believe so, no.

**McKINNEY:** But that's what you're asking for.

**BRIAN DEMBINSKI:** I don't believe I am. No, sir.

**McKINNEY:** Your buddies are. Thank you.

**BRIAN DEMBINSKI:** Yes, sir. Thank you.

**WAYNE:** So I got to-- I wasn't here last year to hear all this testimony. So I wasn't going to ask this question like I said earlier, but I am. So what do the-- what do the city of Omaha ordinances, how is it a tool?

**BRIAN DEMBINSKI:** I think it's just one more situation for-- for our officers when they're in it. It's just one more guideline that they have. Like we have, you know, I know when we worked with Senator Brewer on this, obviously the prohibited person thing came up. And we have obviously what is prohibited person defined in statute. So when it comes to the registration stuff, in our unit, I understand that a lot of people don't like the guns being registered under the city ordinance. And it's at some point I agree. But as an investigator, it also gives us a starting point. It also gives us a launching point to actually start our investigation. So when we recover a firearm in situations like that, it at least gives us a baseline of somewhere to start so we can contact the home-- the owner of that firearm and say, hey, did you sell it? Was it stolen? Because we do encounter some of them, Senator, that they don't know the firearm has been stolen or it's-- it's missing and they're just now finding out. So we believe some of those ordinances are kind of what help us out.

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**WAYNE:** But at the initial-- at a stop, and I'm walking through this so at a stop, it isn't the city ordinance that gives you the right to find a gun. It isn't the city ordinance that gives the officer protection.

**BRIAN DEMBINSKI:** Correct.

**WAYNE:** So it's not a tool at the stop.

**BRIAN DEMBINSKI:** Correct.

**WAYNE:** It's not a tool-- it's actually on the back end to give that individual extra or Omaha a misdemeanor for carry concealed to have it underneath their-- their seat.

**BRIAN DEMBINSKI:** Yes, sir.

**WAYNE:** So it isn't a-- so the offta-- so the ofter-- officer safety issue really isn't an issue under LB77 because they still have a duty to inform just like now--

**BRIAN DEMBINSKI:** Yes, sir.

**WAYNE:** --if they fail to inform. But right now, the individuals who are failing to inform who have a gun that is concealed that they shouldn't have right now underneath Nebraska law, you get those anyway. Right?

**WAYNE:** Like you pull the car over and you smell marijuana, some-- some other violation. Underneath the Supreme Court, you can always do a search for officer safety. Correct?

**BRIAN DEMBINSKI:** Yes, sir.

**WAYNE:** I mean, there are some exceptions narrowly here and there. But I'm saying generally, if you're somewhere and somebody is walking up to you and you feel threatened, you can do something. I mean, it's not 100 percent, but there's something. People can argue, but I get it. So then what is the carry concealed-- OK, I heard you are on the registration. We can go round and round about that. But what is the tool for the carry concealed violation at the city level? What tool is that?

**BRIAN DEMBINSKI:** I guess I wouldn't-- wouldn't-- I just don't have a good way to explain it. I don't know. I mean, my opinion is, is, you

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know, underneath this bill and stuff, there are some of those ordinances that we probably need to sit down and rediscuss. And we-- we sat with Senator Brewer and asked them like, yeah, we were will-- we've reached out to the city and have said, you know, is this something that we actually do need to sit down and discuss? If we-- if it-- if the amendment was made, do we get rid of these city ordinances, would we be OK with it? So I guess-- I guess, Senator Wayne, I don't know how to properly answer your question, but we were willing to carve some of those out. And registration was one of them; carrying concealed under the city ordinance was one of them as well and unlawful transportation so--

**WAYNE:** OK. We'll have the conversation. I just, again, I know probably had a more in-depth hearing last year, so I'm just trying to piece it all together.

**BRIAN DEMBINSKI:** Yes, sir. Yes, sir.

**WAYNE:** I appreciate it. Any other questions? Seeing none, thank you for being here.

**BRIAN DEMBINSKI:** Thank you.

**WAYNE:** And we'll have some follow-up conversation.

**BRIAN DEMBINSKI:** Yes, sir.

**WAYNE:** Welcome.

**TERESA EWINS:** Thank you.

**WAYNE:** Go ahead.

**DeBOER:** All right. Thank you. Welcome to your committee.

**TERESA EWINS:** Thank you. Chairman Wayne, members of the Judiciary Committee, thank you for having me here today. My name is Teresa Ewins, T-e-r-e-s-a, last name E-w-i-n-s, and I am representing the Lincoln Police Department today in opposition of LB77. Being the chief of police in Lincoln is a great honor, and I value the opportunity to serve not only in this community, but our members of LPD. This bill jeopardizes the safety of our city, those that serve this community and all officers in the state. Those that obtain to carry a concealed weapon permit are taught safe handling of a firearm and practicing firearms with instructors that are proficient. This is like any-- any

skill set. You must learn and practice continuously to become proficient. Officers-- officers must qualify once a year through a testing process for any firearm that they carry, as well as a secondary handgun that may be carried off duty continuously, showing proficiency for a skill, that muscle memory that will diminish over time, if not practiced. To carry a firearm as an officer, you cannot be under the influence of a certain prescription medication. There are warning labels on these medications that warn against operating a vehicle or heavy equipment. This bill allows you to carry a gun while being under the influence of strong prescription medications. This legislation continuously speaks to handguns, but as it's written, also approves the concealment of any deadly weapon. Quote, firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon. Large gatherings bring a safety concern for law enforcement to the-- the potential of mass casualty events. Public gathering places-- places are not under the restrictions listed. When we know that terrorism and mass shootings continue to plague our society, we have-- we have to plan for and train to prevent these potential events. How does this legislation make it safe? Our officers are trained to observe those that are carrying weapons under clothing. This bill will prevent them from immediately engaging and stopping possible mass shootings. In our day-to-day work, officers wear plain clothes in investigations, task forces for narcotics and gangs, and conduct undercover operations. Imagine a well-intended individual thinking they are helping, pulls a gun on officers that are attempting to apprehend a dangerous individual to get them into custody. What does this do to our officers? It takes our attention away from the truly dangerous individual and puts everyone at risk. Additionally, the legislation will require all officers to respond to medical calls for service to retrieve guns from LFR personnel-- I ran out of time-- to secure these weapons.

**WAYNE:** Any questions from the committee? Senator McKinney.

**McKINNEY:** Thank you, Senator Wayne. Thank you for your testimony. Police harassment, brutality, and violence plagues our society, too, and has my whole lifetime. And my question is that if I get in a bar fight and I get a misdemeanor, should I have my rights taken away for ten years? Do you think that's fair?

**TERESA EWINS:** You have to look at the totality of the circumstances--

**McKINNEY:** OK.

**TERESA EWINS:** --overall before I can even answer that question. A lot of people call, you know, a lot of calls for service occur, which is why we take people on a description of a suspect, the events that occur. It escalates the event if there is a gun that-- if a citizen is saying a gun or a weapon is there.

**McKINNEY:** No, I'm saying if I get into a bar fight with somebody, punch somebody in the face, get charged with a misdemeanor, end up getting convicted of it or pleading out, should I have my rights taken away for ten years?

**TERESA EWINS:** Sir, I wish I could answer that question. It really depends on the case itself.

**McKINNEY:** All right. I have another question. So for the minority individuals that live in Lincoln--

**TERESA EWINS:** Yes, sir.

**McKINNEY:** --that want to constitutional carry and you guys want carve-outs to keep your ordinances, should you guys also or should we just tell them to move out of Lincoln?

**TERESA EWINS:** No, not at all. You know, this community is-- it's very important to have diversity. You know, last year when I testified, I said that we should have the ability to reduce the costs to get a permit. I think that that was a suggestion that was not-- did not change anything.

**McKINNEY:** Here's my thing is if diversity is important and having a community with diverse background and things like that, why are you guys asking for a carve-out for one half of the state? But then we have a whole nother, more than half of the state that can walk around will carry constitutionally, but we want diverse communities?

**TERESA EWINS:** I have not asked for a carve-out. I think this legislation is extremely dangerous for anyone that comes to Lincoln and goes to a bar. Everything in this legislation talks about a handgun, but what they mean is a long gun. It means anything you can conceal. I'm not asking for a carve-out.

**McKINNEY:** So you just don't support it no matter what.

**TERESA EWINS:** No, sir, I don't.

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**McKINNEY:** All right. Thank you. That's fair. All right.

**TERESA EWINS:** I mean, I just want to say I believe in everyone's right. I mean, Second Amendment is very important. That's how I was raised. But this legislation, with all the events, the convention centers that we plan on having, it puts us in danger of not being able to prevent something bad from happening.

**McKINNEY:** All right.

**WAYNE:** Any other questions from the committee? Senator Ibach.

**IBACH:** I just have one question, and this might be naive from being I don't know, but is there a percentage of incidences in the city that reflect well on concealed carry? For instance, are there situa-- is there a percentage of those instances that actually a concealed carry or a weapon on a person is advantageous?

**TERESA EWINS:** That's a very difficult question. You know what? I can look into the cases that we've had and I can get back to you and provide you with cases if I can find some.

**IBACH:** Thank you.

**WAYNE:** Any other questions? Seeing none, thank you for being here.

**TERESA EWINS:** Thank you very much.

**WAYNE:** Next opponent.

**RON CUNNINGHAM:** Ron Cunningham, R-o-n C-u-n-n-i-n-g-h-a-m. I'm representing myself. Senator Wayne and fellow committee members, I oppose LB77 and I'm a current gun owner. Concealed carry advocates always tell me that the constitution gives them the right, and I don't think that's quite clear. Five men in 2008 gave them the right. In writing the majority opinion in D.C. v. Heller, Justice Scalia said it is not a right to carry any weapon whatsoever in any manner whatsoever and for whatever purpose. In 2022, Justice Kavanaugh stressed that properly interpreted, the Second Amendment allows a variety of gun regulations. I hope that most of us don't believe that a gun has any place in a road rage event or any highly volatile confrontation, including domestic differences. A concealed carry to me only makes it easier for a gun to enter that type of situation. In 2008, Justice Scalia said guns could not or could be restricted in schools and government buildings. Yet in 2020, this Legislature had gun advocates

walking the halls with loaded rifles. I believe Justice Scalia would have thought that form of intimidation would have been prohibited or at least restricted. Justice Scalia was one man, nothing more, nothing less. He was one of five at a particular time who determined today's Second Amendment interpretation. There are hundreds, if not thousands, of judges and legal scholars before and after him who say he got it wrong. If you tell a lie often enough, it becomes the truth, whether it's election fraud or Second Amendment rights. In the past six or seven years, our country and state's become very divisive. Having followed a Unicameral in action, particularly the past two years, it concerns me that several of our senators only give primary consideration to personal views or partisan politics rather than what's good for all Nebraskans. Senator Arch last week commented on a legislative rule change and said it's about fairness, it's about courtesy. Yet on that very same day, Senator Brewer talked about attempts by radicals. Please tell Senator Brewer I am not a radical. It's LB77, a bill for some Nebraskans, a bill without consideration for all Nebraskans, having every Nebraskan who qualifies under LB77 allowed to carry a concealed weapon without reasonable limitations isn't good governing if it's considering all Nebraska.

**WAYNE:** Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here. Thank you for being patient today. Next opponent. Welcome back.

**MELODY VACCARO:** Thank you for having me back. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I represent Nebraskans Against Gun Violence. I'm handing out a fact sheet from GVPedia, and it just goes over all of the published studies by places like Johns Hopkins and Harvard about just kind of what happens when we repeal training and background checks. I would also just like to get on the record that earlier today we were talking about the expansion of how important it was to expand public education for the suicide prevention hotline and suicide prevention resources. So by repealing touch points with the gun carrying community, that would minimize the impact of any sort of proactive education efforts. And then I wanted to touch base also on some of the preemption aspects of-- in this bill. So I know, Senator McKinney, you've been asking a lot about carve-outs, and I think that's a fair question over how much-- how much should a local municipality be able to regulate and how much should go to the state and how much should go to the federal. You know, that's certainly a debate willing to be had. One thing that this bill does eliminate is the-- the storage. So any sort of safe-- safe storage policy and this is something, you know, we've been trying to get passed in Lincoln,



safe storage policy. And I think at some point we'll probably have better success at the municipal level than the state Legislature level. And I wanted to say again, for the record of this bill hearing that earlier today at Milliken Park Elementary in Fremont, an elementary schooler brought a gun to their elementary school. That happened because guns don't get locked up at home. That's the kind of thing that can be handled in our-- at the city level for our most densely populated areas where it's most likely to happen just due to the sheer number of statistics and population. Those are the kinds of things we should be able to do. And so I wanted to give a special shout-out about the municipal right to enact safe storage if they want to, to protect everyone from unauthorized access to guns in their community.

**WAYNE:** Any questions from the committee? Seeing none, thank you for being here again.

**MELODY VACCARO:** Thank you.

**WAYNE:** Next opponent.

**JOHN LEE:** Good afternoon. My name is John Lee, J-o-h-n L-e-e. I'm from Lincoln. I'm representing myself and anyone else who is interested in peace and good government. The Nebraska Unicameral should not consider passage of LB77 to allow virtually anyone to carry a concealed weapon anywhere in Nebraska with no restrictions. There is a serious problem now of too many guns in the hands of too many people who should not have them. 2023 is only 26 days old and already 70 people have been killed by mass shootings in the United States. Passing LB77 would not solve any problems and would only add to problems that already exist. Senator Brewer, if he were here and other sponsors of this bill, if you think you need to carry a gun to defend yourself, I would suggest you carry it openly because I and many others will not want to get anywhere near you. You continue to talk about constitutional carry as if all Americans have a right to carry any kind of weapon anywhere at any time. I brought what I believe is the only kind of weapon the constitution would allow, but they didn't let me bring it in, because it's the only type of gun that was known at the time the constitution was written. It's a rifle that was made in 1869 that would fire a single shot then require up to a minute to reload. The pistols that were known at that time were also single shot. The revolver was not invented until 1831. Those gentlemen writing the U.S. Constitution could not have imagined allowing, quote, the right of the people to

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keep and bear arms, end quote, that would fire 15 rounds in a second.  
Thank you.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here. Thank you for not being in the rifle. I appreciate it. Young lady, come on up. You've been waiting patiently. Mom, you can come behind me and record. You come behind me and record.

**AMELIA ASPEN:** Hello, Mr. Chair and--

**WAYNE:** You have to speak up a little bit.

**AMELIA ASPEN:** Yes. OK. Hello, Mr. Chair and committee members. My name is Amelia Aspen, A-m-e-l-i-a E-s-p-e-n, and I'm 13 years old and I attend St. Margaret Mary's Catholic School in Omaha, Nebraska. Since I was seven years old, I've gone to gun ranges and rural settings to shoot guns with my family. We have several guns of our own, in fact. My dad has always taught me about gun safety and rules to owning a gun like how to clean it and store it safely. But most people do not get that time to learn. And especially when there's no laws that require people to learn how to use firearms, the-- most people will not be able to learn or have the opportunity to learn how to use them. As someone comfortable with guns, I would say I know firsthand how powerful they are. Seeing school shootings year after year makes me more and more worried that my school is going to be-- fall into victim of this horrible trend. I think that if there's any time to make this law, it's not right now because of the trend that we're seeing right now. If someone is mentally ill or dangerous, I don't want them to have easy access to guns and bring-- and be able to bring them into public places legally, especially because under this law, they may very well be ignorant of how powerful and dangerous guns can be. In conclusion, I believe-- I do believe in gun rights, but I think there needs to be more training and supervision over guns rather than less. For these reasons I oppose LB77.

**WAYNE:** Thank you. Any questions? You did very well. Thank you. At this time, will the-- those testifying in a neutral capacity line up outside and we'll start bringing them in here shortly. Next opponent. Only one, then they can come in. Have them come in, yeah.

**NANCY PACKARD:** I'm Nancy Packard, N-a-n-c-y P-a-c-k-a-r-d, of Lincoln, Nebraska. This is a letter I wrote Senator Brewer and I'd like to read it to all of you. The Honorable-- Honorable Senator Tom Brewer, Room 1423, Post Office Box 94604 Lincoln, Nebraska 68509. Dear Senator

Brewer: I was in our State Capitol last week. My granddaughter, four years old, and I had missed Bus 40 at the Gold's departure point and I thought we could walk home. We stopped in the Capitol for candy bars and I saw the bison head and your name on the door, and I nearly came in to introduce Evelyn [PHONETIC] to you and me to you. I wanted to tell you that I am so worried about your bill to provide guns. I tried to present the reassuring image of a calm old lady because in stores, on streets and in cars, I see people who look exhausted and frazzled. We all long to be safe and calm. Last summer I was at an outdoor concert and my friend said, I wonder how many are packing guns. It was shocking to me to think about. I do not want to have guns on my mind when I'm outside my home. I simply do not see any positive outcome. I greatly respect our state Legislature and I respect you, Senator Brewer, and your work. But please consider my wishes. By the way, I grew up on a farm and we had a gun on the farm, some kind of gun. And I think my husband had a gun too. It's just the proliferation of guns and the thought that there might be a gun everywhere that is terrifying to people. And I want to repeat that I try to give the image of being just a calm old lady because I think there aren't that many calm old-- calm people nowadays. Everybody looks frazzled. We don't want them to have guns and we don't want them to be shot by guns.

**WAYNE:** Hold on a second. There might be a question. Any questions from the committee?

**NANCY PACKARD:** Thank you.

**WAYNE:** Seeing none, thank you for being here today. Next opponent. Welcome.

**COURTNEY RING:** Welcome. Thank you for having me. My name's Courtney Ring, C-o-u-r-t-n-e-y R-i-n-g. I am a volunteer with Moms Demand Action for Gun Sense in America. This is my personal statement. I'm testifying in honor of my friend Dan, who, on the night of June 26 of 2005, was shot in the back of the head, on the left side of the brain, while walking to his car in a quiet neighborhood of Chicago after leaving a local restaurant and bar. We shared an apartment at the time and I received a phone call from the hospital social worker, as I had been the last person that Dan contacted that evening, and it was I who confirmed his identity in the trauma unit of the hospital, but only by his hands as his face was unrecognizable. Prior to this event, Dan had been a professional stage actor, singer and dancer, making his full-- his living full-time in the performing arts. He survived the shooting

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but has been permanently disabled in multiple ways, including losing the ability to read or write. He has aphasia, double vision, difficulty using the right side of his body in totality, and suffers from PTSD, and he will never work again or live on his own. This event changed our community and changed me fundamentally as his friend and colleague. The offender was never caught and justice never served. The detectives ruled out many motives, but the one motive that remained on the table that is documented in the media was that it was a potential hate crime, as Dan was openly gay, and this particular week was Gay Pride Week in Chicago and Dan had been patronizing gay-friendly bars and restaurants in the area that evening. While we will never know the exact reason for this heinous act, the fact remains that it was an attack by someone who should never have been in possession of a firearm. And who knows what other atrocities this person committed after shooting my friend? I grew up here in Nebraska, and a few years ago my husband and I decided to move back in order to raise our young son in a place where he could run, play, have a backyard and walk to school without the fear of violence. What we did not expect is that some Nebraskans would be more willing to disregard the safety of their fellow citizens for the ability to carry a handgun without training or a background check. By weakening critical gun safety laws, our communities will only see greater gun violence by people who should never have access to a firearm. There must be checks and balances, training and permits for acquiring and carrying a handgun in public in Nebraska, just as we are required to train, test, license and carry insurance to drive a motor vehicle. There's no logical reason to pass this bill, and I urge you to vote no on LB77. This concludes my testimony. Thank you so much for the opportunity to speak today.

**WAYNE:** Thank you for being here. Any questions from the committee? Seeing none, thank you for coming.

**COURTNEY RING:** Thank you.

**WAYNE:** Next opponent.

**ROBIA QASIMYAR:** Hello. Good afternoon, Senators. My name is Robia Qasimyar, R-o-b-i-a Q-a-s-i-m-y-a-r. I'm here today on my own behalf. And now I don't have a resounding personal story to share, I don't have an advanced academic degree with research background about permitless carry, and I don't belong to an association that directly relates to this issue. What I do have, however, is passion for gun safety regulations as a common citizen of this state. And I'm having a challenging time understanding how, especially in the face of

near-daily news about shootings and mass shootings across this country, instead of conversations to ensure continued gun safety measures, we are discussing the elimination of them by allowing people to carry concealed firearms without a permit or taking necessary safety measures-- or necessary safety courses, rather, and background checks. That's not only dangerous for others, but also for gun owners themselves. We need and should have permits for things like operating motor vehicles, which can be hazardous, so I'm troubled by this discussion about people being able to carry a loaded weapon without one. GVPedia research compared gun violence homicide rates three years before and after states passed permitless carry laws. In just those three years, gun violence homicide rates increased 22 percent compared to the national average of 10 percent. And various research from economists John Donohue and others also show increases in such rates in states that passed permitless carry laws. And this point about allowing easier access to gun ownership so people can protect themselves and their families, guns do not equate to safety. If it did, then the U.S. having the highest level of gun ownership in the world would mean that our crime and violence rates would be the lowest, but in actuality our homicide rates horrifically outpace others. Using data from the Small Arms Survey, the Council on Foreign Relations showed that in 2019, U.S. gun homicides per 100,000 people was 4.12. Comparably, Canada had 0.5, Australia had 0.18, UK with 0.04 and Japan with 0.02. If we are interested in protection of self and family, why not offer free or reduced-cost opportunities for Nebraskans to take self-defense courses? Better yet, why not reach-- or try to reach root issues and make significant investments in access to mental health services? We cannot fight fire with fire and we cannot fight firearms with firearms. The irony, too, is that if this bill's goal truly is to increase public safety, it would actually be taking away funding for it, as the Nebraska State Patrol notes in potential decreases in gross revenues as much as \$610,000 annually, per the fiscal note for this bill. If folks have the means to purchase a firearm, maintain it, clean it, buy ammunition for it, they can spare the few hundred dollars for permits and safety courses. You all were elected to make responsible, well-informed decisions, so I hope you and members of your team have and will continue to dissect the facts and research about this issue. And one of our new slogans is, "Nebraska: Honestly, it's not for everyone." And, yeah, permitless carry: honestly, it's not for everyone and it shouldn't be for Nebraska. Thank you.

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**WAYNE:** Thank you. Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here. Next testifier. How many opponents do I have left? OK. Thank you. And I have one neutral?

\_\_\_\_\_ : Two.

**WAYNE:** Two neutrals? OK, thank you. Go ahead.

**CHRISTY ABRAHAM:** Senator Wayne and members--

**WAYNE:** Hey.

**CHRISTY ABRAHAM:** Hi. Senator Wayne 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. I'm here because, as Senator Wayne knows very well from seeing me in the Urban Affairs Committee, the League is historically against anything that takes away local control. And as you will read in the first few sections of this bill, there are powers taken away from municipalities in their ability to regulate concealed carry. The League feels very strongly that our local elected officials, that city council level, at the village board level, really are in the best position to make decisions about what's best for their community. You've heard from the city of Omaha. Certainly, what their needs are, are very different than what the village of Ansley needs, and so we really feel that those decisions should be made at the local level. I'm happy to answer any questions that you might have. Thank you.

**WAYNE:** Any questions from the committee? Seeing none, thank you for being here.

**CHRISTY ABRAHAM:** Thanks so much.

**WAYNE:** Welcome.

**ERIN FEICHTINGER:** Twice in two days-- how lucky for all of us. Chairman Wayne, members of the Judiciary committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. As you know, the Women's Fund of Omaha is committed to reducing incidents of domestic violence in this state and creating safety for survivors. For this reason, we stand in firm opposition to LB77. I am also submitting testimony from the executive director of the Nebraska Coalition to End Sexual and Domestic Violence, who couldn't be here. Nebraska does not release statistics about the connection between domestic violence and

firearms, but national data demonstrates the incredible danger for victims of domestic violence posed by the lack of regulations around firearms. The presence of a gun in a domestic violence situation increases the risk of homicide by 500 percent. More than 600 women are shot to death by intimate partners in the United States every year. That's a victim every 14 hours. Nearly half of all women murdered in the United States are killed by a former or current intimate partner, and more than half of those homicides are by firearm. More than one in four homicides in the United States is related to domestic violence, and the use of firearms in situations of domestic violence increases the likelihood of there being multiple fatalities. Most mass shootings are related to domestic violence in the United States. Between 2014 and 2019, 59.1 percent of those shootings were related to domestic violence, including the recent mass shooting in Monterey Park. Around 4.5 million women alive today in the United States report that an intimate partner threatened them using a gun, and 1 million women report being shot or shot at by an intimate partner. I know that this bill includes continuing the restrictions on firearms for those convicted of domestic violence. And we also know that domestic violence is both under-reported and under-prosecuted in Nebraska, meaning that domestic violence homicides in Nebraska will likely increase if this bill passes. We strongly encourage you to vote no on LB77, and I am happy to answer any questions you might have at this late hour.

**WAYNE:** Any questions? Seeing none, thank you for being here. Next opponent. Again, for those watching, if you're here to testify as a proponent, you should start lining up right down the hall. Thank you. Welcome.

**JAYDEN SPEED:** Thank you. Chairman Wayne and members of the Judiciary Committee, my name is Jayden Speed, J-a-y-d-e-n S-p-e-e-d. I am 18 years old, a senior in high school, the leader of Nebraska's chapter of Students Demand Action and a member of the Students Demand Action National Advisory Board. My entrance into gun violence prevention came when I was 13. In 2018, a tragic school shooting took place in Parkland, Florida. I was becoming a freshman in high school that year and I was shaken by the very idea that our schools were a target in the national epidemic of gun violence. I worked on the issue of gun violence prevention for four years now with Students Demand Action and Moms Demand Action. I've testified on an iteration of this bill for three years now, and every year so far, the Legislature has prioritized public safety by not advancing this legislation. The bottom line is that LB77 would allow people to carry hidden, loaded

guns in public without a background check or safety training. It would lower the bar for who may carry concealed handguns in public in Nebraska and make it easier for violent criminals to carry hidden guns in crowded town centers and city streets. Let me be clear that you can be a responsible, safe gun owner and not support dangerous legislation like permitless carry. I come from a rural community in southeastern Nebraska. I've grown up in an environment where gun ownership and hunting is common practice. My family has guns in the home. Gun owners in my community understand that owning a firearm means responsibility and it means putting safety first. Background checks, training permits, and safety are common sense, and they should be common practice. This legislation would ultimately make our communities less safe and put human lives at risk, both in rural and urban communities. The fact-- weakening permit-- permitting requirements has been proven to increase gun violence in other states that have tried similar policies. Research shows that 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. I strongly ask that you consider this legislation and its impacts fully, and I ultimately ask that you oppose LB77 and the danger it pre-- presents to our communities.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here.

**JAYDEN SPEED:** Thank you.

**WAYNE:** Welcome.

**SHERI ST. CLAIR:** I am Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, and I'm testifying this afternoon on my own behalf in opposition to LB77. I travel a lot. I've been to 42 different countries, and the only country where I worry about getting shot is this one. At movies, shopping malls, grocery stores, school or simply driving, innocent people have ended up dead because of the too-easy availability of guns in this country. Although the Supreme Court determined that self-defense is a central component of the Second Amendment, the court also stated that state or local gun controls are allowed. I find the argument that because other states have done this, Nebraska should do this as well, to be particularly weak. Requiring those who wish to walk around with weapons to obtain permits or undergo training is not onerous. I am supportive of commonsense gun safety legislation, age limits on the purchase of some types of weapons, background checks, training, red-flag laws, and probably even gun liability insurance,



and I would like to see Nebraska become a leader, rather than a follower, in gun safety. I think that the weight of evidence shows that more guns, especially readily availability of guns, leads to more spontaneous shootings. We've had a couple cases of Lincoln recently. Following a car accident, a gun owner told police he freaked out, took the gun out of the central console of his car, and shot the other driver six times. He died. And now we have a second Lincolnite who's been fatally shot, this time by his neighbor over dogs. So, bottom line is, I have yet to hear how-- how or why permitless concealed carry handguns serves the public good. I believe that with rights come responsibilities. Those carrying guns must be cognizant of the dangers that guns can present, so I remain opposed to LB77 and request that it not be advanced from this committee.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here. Any other opponent? Welcome.

**CINDY MAXWELL-OSTDIEK:** I'm so sorry, I. Hi, I'm Cindy Maxwell-Ostdiek; that's C-i-n-d-y M-a-x-w-e-l-l, hyphen, O-s-t-d-i-e-k, and I'm a mom to three and a Nebraskan worried about gun violence and especially how it weighs on our children and young people. My oldest is the same age as the kids from Sandy Hook Elementary, and I think of these children and their grieving families often when my kids achieve milestones and when I'm enjoying my time with them. My oldest is in the process of studying for his driver's license this season, and those children would be too. I recently ran for Legislature in District 4 in west Omaha, and this topic, LB77 and the one last spring, came up very often. It was before the Legislature when I was canvassing, and it remained a significant concern for parents and teachers throughout the summer and fall. We all watched the horrors at Robb Elementary School in Uvalde, Texas, at the Fourth of July parade in Highland Park, Illinois, the LGBTQ nightclub in Colorado Springs, and at a Walmart in Chesapeake, Virginia, just to name a few. I spoke with many neighbors who were like me. They believe in the Second Amendment and have guns in their home, like we do in ours. Many are like my husband, who has a gun and a concealed carry permit. But they, like my family, strongly believe that training and a permanent is the very minimum to expect from responsible gun owners. Please vote no on LB77. Thank you.

**WAYNE:** Thank you. Any other-- any questions from the committee? And how many opponents we got left? Just one? OK. Then we got two? All right.

**CINDY MAXWELL-OSTDIEK:** Thank you.

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**WAYNE:** Thank you for being here.

**MICHELLE BATES:** Good afternoon again. My name is Michelle Bates, M-i-c-h-e-l-l-e B-a-t-e-s. This is-- the gun topic has always an emotional topic for me. Not only have I lost family members to gun by suicide, I myself at one point was very depressed and had I had the ability to have a firearm, I may not be here today. I also have an older son, not Jayden, my-- my older son, who has contemplated suicide, and he was-- did have access to a firearm. Luckily, we also had a very good friend. He had a very good friend who was there for him and walked him through, you know, why he shouldn't do it and so he is here with us today, so, and this is my story. Approximately 16 years ago, I was with-- at home with my husband and two young sons, who were two and seven at the time. While son-- while my sons were playing, my husband and I were discussing the topic of divorce. He was-- he was upset, but I had been adamant that I wanted a divorce. He went into the other room and came back out, and with him he brought a 9mm. He told me the only way that we were going to end this marriage was by death. At that point in time, I begged him to let my two sons go to my parents' house, who lived right down the street from us. My oldest son, who was seven at the time, took his young brother Jayden with him to my parents' house so that they would not have to see the carnage that would happen if it were to happen. My ex-husband continued to rant and rave for hours, and it was not until the early morning of the next day that he finally passed out, fell asleep, whatever you want to say, and I escaped. If-- if he were to be a person who had a concealed carry-- a concealed carry without a permit in Nebraska, this instance could have happened at my parents' house. It could have happened in public. It could have happened anywhere. He-- I knew that he was having mental issues because of-- and was suffering because of my wanting a divorce. This could have happened anywhere. If that would have happened, I would not have been the only victim. There would have been more. I'm in support-- or oppo-- opposing LB77 because I believe that a permit needs to be required to carry a firearm. I also wanted to let you guys take a special note. I don't know if you've looked at the hunter education safety requirements or hunter permit requirements, permit, from age 12 to 29, the first time you hunt in Nebraska, you must take a firearm safety course. That is required for hunting in Nebraska. Thank you.

**WAYNE:** Thank you. That's actually-- that's actually really interesting. Sorry. I talk out loud sometimes. Next opponent. Yes. Welcome.

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**JUDY KING:** Hello.

**WAYNE:** Hello. How are you?

**JUDY KING:** Good. My name's Judy King, J-u-d-y K-i-n-g. I vehemently oppose LB77, and even more after listening to her testimony, because I think maybe if some of these pro-life women in here had to deal with that and were worried about a woman getting shot, they might think again about banning abortions and they might think again about, if she was pregnant, would you care more? Would you care more if she was pregnant? Anyway, I was at a hearing the other day and it was regarding guns, and one of the gentlemen there said he was in a militia. And I didn't know we had a militia in Nebraska, but apparently we do. And so I looked it up and tried to understand what were the rights of the militia. And anyway, I did some more digging and we have-- in Nebraska, we have Patriots, Oath Keepers, Three Percent, and Proud Boys, and some like to say they are in a militia. Several of these groups are now going to jail for trying to take over our U.S. Capitol and for killing and assaulting police officers. These groups like to call themselves militias, but they are just domestic terrorists, terrorists against our government, similar to the 911 terrorists. There are already too many guns in Nebraska. People are leaving them everywhere and not locking them up. Even the police are having their guns stolen out of their vehicles because they were not locked up. So now we want to have more guns with no training and no permit? That's just kind of ludicrous. This has to be some kind of joke. We have rural groups of people that were in the takeover of the Capitol, with one specific person that was in the War Room on January 5, this-- the day before the takeover. He then decided to run for Governor, and he has a PAC now that he's trying to elect all the right-wing terrorists so that they can stop democracy. And, no, I don't trust a lot of these rural gun owners anymore. I did in the old days, but I don't anymore. What happened to the good old boys with the guns? Anyway, that's all I have to say.

**WAYNE:** Thank you. Thank you for your testimony. Any questions?

**JUDY KING:** Any questions?

**WAYNE:** Seeing none, thank you for being here. That concludes our opponents, I believe. Any other opponent? No? Then it concludes. Opponents, you can exit and we'll start with neutral testimony. Any neutral testimony? Haven't seen you after the election. Congratulations.

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**AARON HANSON:** Thank you. It's been a whirlwind.

**WAYNE:** Welcome.

**AARON HANSON:** Thank you. Honorable Chairman Wayne and members of the Judiciary Committee, my name is Aaron Hanson, H-a-n-s-o-n. I'm the sheriff of Douglas County, Nebraska. I testify in front of you today in a neutral capacity because, as sheriff of a county that has a lot of diversity, in terms of both, well, violence, urban, rural, I think it's important that I strike the appropriate tone on this important public policy issue. Like many law enforcement professionals you've heard today, I, too, support the rights of law-abiding gun owners to carry concealed handguns to protect themselves and their families. But also, as a 26-year veteran in law enforcement. I realize that, unfortunately, we have many negligent, reckless firearm possessors who I've seen engage in some very dangerous behavior. When you look across the country, I really think that we have to listen to our Chief Todd Schmaderer, probably one of the most experienced chiefs in the nation, both in terms of longevity, but also in terms of results. As I look at many of our peer cities in states such as Missouri or Oklahoma, Texas or Illinois or Indiana, and we see their large cities with escalating violence and homicides and Omaha is going the other way, it is definitely worth pause. It's worth asking one of the most expert chiefs in the nation what we're doing differently. And I think that today, let's keep in mind, when an individual steals a car under a certain felony amount or shoplifts or is involved in trespassing on someone's property or stalking a female or assaulting an individual, if they have a concealed gun, they've committed a crime. And if they do it again, they've committed a felony. My concern is that, although I support the rights of law-abiding gun owners to carry firearms to protect themselves, we don't want to create unintended loopholes which allow for unintended consequences in which we lose those tools to disrupt those gun possessors who are not law-abiding, not carrying weapons to protect their families. They may not be prohibited persons yet, per state or federal law, but in many cases they can be just as dangerous. All I ask is that the policymakers please make sure you understand the tools that will be removed, and let's see if we can strike a smart balance to have both: support law-abiding gun owners, but make sure that we don't create unintended loopholes for criminals to pass through. Thank you for your time. I'll take any questions you may have.

**WAYNE:** Any questions? Senator Geist.

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**GEIST:** I won't keep you long. I appreciate you saying that you support. I mean, I think you said exactly what I said earlier on your cover letter, that you're supportive of law-abiding citizens carrying, but you're concerned about the unintended loopholes. And so would you just like take-- tell us two of those, just two, maybe, that would be in here, that would be of concern, just briefly?

**AARON HANSON:** Sure, let-- well, let's-- let's take, for example, the issues that really concern me the most. So in Nebraska, if you steal property under \$1,500, it's a misdemeanor. I'm-- I'm agnostic to that level. It is what it is. If you steal something \$1,500 or more, it's a felony. If an individual walks into Menards and steals a power tool that's \$1,500 or more, he's not only committed felony theft, but he's violated the statute for possession of a firearm during the commission of a felony. If that same individual steals an item that's \$1,499, under the current language in LB77, they'll face the underlying misdemeanor charge, no standalone gun charge. They, too, would be shielded by the constitutional carry protection in LB77. Most citizens I speak with, even the most ardent Second Amendment supporters, when you lay it out in those terms, they're quick to say, well, I don't support that, that's not what I want. And I think that 99 percent of reasonable people would agree. And you-- you could extend that scenario to anything. You could extend it to a man who's stalking my teenage daughter and trespassing on my property, misdemeanor and misdemeanor, if he is in possession of a concealed firearm at the time he's committed the misdemeanor crimes, and a standalone gun crime which if he does it again will be a felony and render him prohibited. We will lose those tools under this strict language in LB77. It's up to the policymakers to decide if that's important or not. I think it is.

**GEIST:** But--

**AARON HANSON:** But ultimately we'll-- we'll enforce the laws you-- that you implement.

**GEIST:** And I agree. I-- I think some of the-- the loopholes make this more about non-law-abiding citizens than the law-abiding, so thank you.

**DeBOER:** Are there other questions from the committee? Senator McKinney.

**McKINNEY:** Thank you, Senator DeBoer, and thank you for your testimony, Sheriff Hanson. My question kind of goes back to Chief Schmaderer testified earlier, and I asked him a question about disproportionate contact, pretty much, and in his response to me he said there is a high potential-- I won't say high-- said there was potential for a decrease in the amount of dis-- a decrease in the amount of arrests of black individuals, that disproportionate amount of arrests could potentially decrease if this version of LB77 passes. So what do I say to my constituents that want constitutional carry but also don't want to-- and we-- and we gotta be honest here-- to just be harassed by law enforcement?

**AARON HANSON:** Well, your constituents are my constituents, as well, and so if I was speaking to my constituents, which we-- our constituents overlap, I-- I would say that my-- my first concern is the disproportionality of-- of-- of minority citizens who are being victimized. We do have a disproportionate minority-- majority of our homicide victims who are people that fall into minority classifications or groups. And I think that, again, it comes back to an issue of balance. Do we want to make sure that people of color are not disproportionately arrested if they don't need to be? Of course. But my first priority that I also want to at least put at an equal footing is that innocent people of-- of a similar situation are not disproportionately victimized by criminals who would do them harm.

**McKINNEY:** Are minorities the only ones that commit violent crimes in our state?

**AARON HANSON:** Absolutely not.

**McKINNEY:** Then it gets to my point. The-- they're coming in for a carve-out when a huge portion of the state's population or minority individuals are in Lincoln and Omaha. And by even asking for a carve-out, it's ignoring the perception issue that you have of you're pretty much saying carve out everybody but the cities where most minorities live in our state, and that is super offensive.

**AARON HANSON:** You know, Senator, I understand that that's your perspective. When-- when I listen to Chief--

**McKINNEY:** It's not my perspective; it's my reality.

**AARON HANSON:** When-- I understand that. When I listened to Chief Schmaderer's testimony, what I heard him saying, that when it comes to

certain issues, it sounds like Chiefs Schmaderer is like many people that testified here today, and we're past the point of whether or not local law enforcement should have to acquiesce on local control for concealed handguns in the hands of law-abiding citizens. When I heard Chief Schmaderer's testimony, I heard that he-- he wants to maintain some level of local control on other gun ordinances, and so I don't-- I didn't hear him asking for a carve-out. I think he's asking for a certain level of local control above and beyond any statutes that would prohibit law-abiding citizens from carrying concealed weapons.

**McKINNEY:** I don't think it matters how you word it: carve out, ordinance tool, it's all pretty much the same thing. We-- we-- we just probably differ on the wording. I just-- and you don't have to respond. I think we-- when we do bills, especially criminal justice bills, we've got to think of the holistic perspective. And when people come down here and ask for these type of things, they're ignoring the reality of many people that they claim they represent. And I'm not saying that people who are not law-abiding citizens shouldn't be restricted from carrying firearms or anything. What-- what I'm saying is, if we're potentially going to have a standard in our state where individuals are going to be allowed to carry constitutionally, I'm strongly against restricting Omaha and Lincoln. If we're going to do it, do it across the board, because to me it's pretty much saying minority people, black people, however-- however I want to say the words, you are not allowed to constitutionally carry because, based on the population of our state, those are the individuals that will be mostly affected by a carve-out or tool or keeping an ordinance. Thank you.

**DeBOER:** Other questions for this testifier? Thank you for your testimony.

**AARON HANSON:** Thank you.

**DeBOER:** Next neutral testifier. Welcome to your Judiciary Committee.

**AMBER PARKER:** Thank you. Does my time start now?

**DeBOER:** Uh-huh.

**AMBER PARKER:** OK. My name is Amber, and I'm here to testif--

**DeBOER:** Can you say and spell your last name?

**AMBER PARKER:** Oh, sure. Parker, P-a-r-k-e-r. And I first want to say thank you to Senator Wayne. It's amazing that he wanted to make sure that people's testimonies were heard, and that's just the right way to start off, as he is Chair of the Judiciary Committee. And we don't always see eye to eye. If Senator Wayne was here, he could say that. But I have to tell you, when I do see him, I just appreciate and have felt comfortable around him. I'm going to get into some of my testimony, which, quite frankly, is uncomfortable, but I believe it does need to be addressed. And this is something that should be addressed because a lot of us can be taken advantage of under narratives, and I see a narrative that people are being taken advantage of. And so I think it's important to address that and, therefore, that's why I'm testifying today in the neutral side of things. I'm first going to start out a personal testimony. I am a concealed permit carrier myself. I went through the classes and, as I had went through the classes-- or the class, I actually had been to the gun range multiple times. And I was one-- it took me over ten years because I was looking for the right gun of my choosing because I felt such a responsibility, if I was going to carry, that I not only needed to look out in-- for my safety, but others' around me. That's the way it should be. So when I went in through the class that I did, and there was also another course or an option to practice before you go in for your concealed carry permit class, I went ahead and did that, but what stirred me to go forward with that was because of an experience that I had here at the Capitol of someone in a political, who was a state senator, who physically had hurt me. I made a law enforcement report about it. I'm not going to say their name, but due to the cameras being off at the Capitol, it was their word against mine, but it was a longer wait in time in me coming forward. But it was that incident where I knew this person had a lot of political power, had a lot of connections across the state, and when they would try to intimidate me at other times, even up until the-- the very year before they were term-limited out, and it got my attention. When I finally decided to go for my concealed carry permit was when I was testifying on a gun bill and they were looking at me in the same way that when they physically hurt me, and so I knew I better do something. And so, anyhow, I took the steps that I needed to take, and it was really disheartening that they-- the report of-- of-- since the Capitol of what's going on. But I just want to say that, as a woman and a concealed carry permit carrier, it's under a false sense of security to think that nobody-- that everybody's safe without--

**WAYNE:** Ma'am--



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**AMBER PARKER:** --constitutional carry because that's not--

**WAYNE:** Ma'am, I have to cut you off right there.

**AMBER PARKER:** Oh, sorry.

**WAYNE:** It's a red light. I appreciate your testimony. Some-- see if anybody has questions for you. Any questions from the committee? Seeing none, thank you for coming out today.

**AMBER PARKER:** Thank you.

**WAYNE:** I appreciate it, and thank you for being patient.

**AMBER PARKER:** Yeah, thank you.

**WAYNE:** Any other--

**DeBOER:** Neutral.

**WAYNE:** --neutral testimony? Seeing none, we'll take a quick recess, open up proponents again. I think we have about an hour left and we'll be good to go.

[BREAK]

**CLINTON SMITH:** I'm gonna have to wait on this?

**WAYNE:** No, you're good.

**CLINTON SMITH:** OK. My name is Sheriff Clinton Smith, C-l-i-n-t-o-n S-m-i-t-h, of Dundy County, Nebraska. Today, everyone here is meeting to decide on a law which has been contested one way or the other every time it comes up. But the true fact of the matter is, if-- if you, the senators, are going to uphold your oath to uphold and defend the Constitution of the United States. I, too, took that oath and I intend to uphold it. The constitution is very clear about the right to not only keep, but to bear arms. Crime and gangs will not go away. I, for one, enjoy the fact that in my county I know assistance is only as far as the next house or passing car. Law enforcement is a response to a crime. As such, the number of guns carried will not change with or without this law. The only thing which will change is whether or not you make criminals of law-abiding citizens wanting to protect themselves with the force of the same violence that is being used against them.

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**WAYNE:** Any questions? Seeing none, thank you for being here.

**CLINTON SMITH:** Thank you.

**WAYNE:** Next proponent.

**MATTHEW MAMMOSER:** These are our petitions from our members this year [INAUDIBLE] those. It is my duty to make sure you get them. My name is Matthew Mammoser, M-a-t-t-h-e-w M-a-m-m-o-s-e-r. Thank you for the opportunity to publicly address LB77. I am a regional director for the National Association for Gun Rights, a member-supported organization with tens of thousands of members and supporters in the state of Nebraska. On behalf of NAGR and our members in Nebraska, I come before the committee today to supp-- in support of LB77. Despite multiple restrictions in the bill that we-- will do nothing but place an undue burden on law-abiding gun owners with nonsignificant effect on crime, we at NAGR urge the quick passage of this very important-- important piece of legislation. At the heart of LB77 is the idea that our Second Amendment rights and our right to self-defense should not be subject to whims of the state. The concept of LB77 and other constitutional carry bills like it are quite simple. Constitutional carry laws recognize the right of law-abiding citizens to carry a firearm on their person, openly or concealed, without having to receive government permission in the form of a mandatory state-issued license. This bill maintains the concealed permit system for interstate reciprocity by rendering the carry permit optional within Nebraska. The state will be joining the likes of 25 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 all of these 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 already prepared to advance through the process in South Carolina and Florida, so now is an excellent time for Nebraska to join this growing movement. Critics of constitutional carry often argue that this law will-- would create Wild West shootouts and blood running in the streets simply because the concealed carry permit is rendered optional, yet there is no evidence for this. In fact, all evidence is in contradiction of this outrageous claim. That is why I urge you to disregard the falsehoods and manipulated statistical interpretations of those who seek to weaken the Second Amendment. According to FBI

crime statistics, states which have passed constitutional carry in law-- into law have both lower rates of violence and lower murder rates by firearm than constitutional carry states-- than non-constitutional carry states. Allowing law-abiding citizens to carry their firearm openly or concealed, without government intrusion, reduces crime. LB77 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 carry-- legally carry a gun. Those violent felons barred under the law from legally owning or carrying a gun will still be barred under LB77. 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 up these claims, and criminals will carry and conceal guns despite any laws you write. 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 government permission to do so. Thank you.

**WAYNE:** Thank you. Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here and thank you for your petitions.

**MATTHEW MAMMOSER:** Thank you.

**WAYNE:** Next proponent.

**BRIANA BOWDINO:** Hi. I'm Briana Bowdino; it's spelled B-r-i-a-n-a B-o-w-d-i-n-o. Thank you, guys, Senators, for being here. And thank you, Chairman Senator Wayne, for allowing this hearing to happen and bringing us back here. I'm here to support LB77. I wanted to thank Senator Brewer for introducing this bill, along with my senator, Senator Clements, who supports it, and then in District 2-- I live in Ashland, Nebraska, District 2 Ashland-- and our neighboring districts, Senator Bostelman supports it, of District 23, and Senator Holdcroft from District 36. Thank you so much for your support. So LB77 seeks to allow permitless carry of a concealed weapon, which will now level the playing field with criminals who carry guns as they please. Requiring-- this is one of the problems I have with the concealed carry permit. It re-- by nature, the permit will create a government list of law-abiding citizens who have firearms. Why would any government ever need a list of law-abiding citizens who have guns? It's beyond necessary, and some would argue that it's borderline tyranny. All Nebraskans should be asking why our government wants to keep a list of good guys with guns. With a freely armed citizenry,

criminals will think twice before attempting crimes like theft, rape. They'll never know if the person is prepared to protect themselves with a gun. Crime will go down. So gun laws and gun-free zones create excellent targets for violent, opportunistic criminals. So I say, for the safety of all, Nebraskans should never be required to ask for permission to use their Second Amendment right. It's time to level the playing field and let Nebraskans carry how they want. I say no more lists, no more permits to use a freedom that's already mine.

**WAYNE:** Any other-- any questions from the committee? Seeing none, thank you for being here.

**BRIANA BOWDINO:** Thanks.

**WAYNE:** Next proponent. Welcome.

**KEITH KOLLASCH:** Good afternoon. My name's Keith Kollasch, K-e-i-t-h K-o-l-l-a-s-c-h. I am the director of legislative affairs for Nebraska Firearms Owners Association and I'm also a criminal defense attorney. I'm here today to get into some of the things that were brought up by the opponents of LB77, specifically the issues that law enforcement believe that they would have if this would pass. Actually, when you look at LB77, it actually increases what law enforcement is allowed to do when dealing with someone that has a concealed weapon. When you look at the system and the way it's actually put out in the bill, this is more of a permitless carry bill rather than a constitutional carry bill. All the requirements and restrictions-- the restrictions that are currently in place with the concealed handgun permitting system remain in place as far as a pretty long list of places you can't carry, additional things like you cannot be drinking alcohol while you're concealed carrying, so there's a lot of those that remain in place. But what this also does is it gives more tools for law enforcement. The ID requirement, that you have to have an ID when you're concealed carrying, if you're in violation of that, that's a Class III misdemeanor. If you don't announce upon contact with law enforcement, that's another Class III misdemeanor. If you do not present your ID when requested by the officer, that's another Class III misdemeanor. So at that point, before we even have gotten to the question of whether or not the person is a prohibited possessor if they are following the requirements of 28-1202, you've-- already have three arrestable offenses before we even get to the question of whether or not they can legally be carrying a firearm. Also, if they do not allow the law enforcement upon request to seize the firearm for the duration of the stop, that's a Class I misdemeanor, so now we're

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up to four before we even get to the issue of whether or not they can concealed carry. LB77 doesn't get into anything that would change or create any loopholes where someone who's already a prohibited possessor can now suddenly be able to concealed carry. There's issues that have been brought up historically by Omaha law enforcement as far as with gang members and the violence that occurs there. A lot of that, as previously testified by those authorities, that we're looking at people 21 and younger do the vast majority of those crimes, again, they would not be allowed to concealed carry under this bill. And again, law enforcement, they would not be in a position where there's going to be any new threats to their safety, anything with officer safety. If they want to conduct a Terry stop, they still have that ability to frisk for weapons for officer safety issues, so that remains in place. This doesn't make it unsafe for officers. And I was going to get into some more. I did address those issues in the handout that I had with. I would take any questions.

**WAYNE:** Thank you for your testimony. Any questions?

**GEIST:** I just have to ask one.

**WAYNE:** OK.

**GEIST:** I'll make it short. So you don't object to someone having to announce?

**KEITH KOLLASCH:** No.

**GEIST:** OK.

**KEITH KOLLASCH:** No. I think as far as an officer safety issue, it's good for them to know right away that they're dealing with someone with a firearm. And generally, I-- I have a handgun permit right now. And whenever I have contact with an officer, at traffic stop or anything like that, you have to announce it, you have to get your ID. Generally, the-- the officers and the deputies I deal with in that kind of situation, because sometimes I--

**GEIST:** OK.

**KEITH KOLLASCH:** --drive a little too fast.

**GEIST:** Thank you. I just haven't understand-- -stood that objection. So thank you.

**KEITH KOLLASCH:** OK.

**WAYNE:** Any-- any other questions? Seeing none, thank you for being here today.

**KEITH KOLLASCH:** Thank you.

**WAYNE:** Next opp-- proponent.

**STEVE DAVIES:** Thank--

**WAYNE:** Welcome.

**STEVE DAVIES:** Thank you, Senator Wayne, and thanks to all the senators on the committee. I'm Steve Davies, S-t-e-v-e D-a-v-i-e-s, and I testify in support of LB77. The firearm is the greatest security to life, liberty and property, and this bill will align law and practice to the constitution. A lot of people have questions about what constitutional carry will do to crime rates. I know of two studies that address that in states that have already adopted it. One of them, by the Crime Prevention Research Center, showed only one area where there was a significant difference pre- and post-constitutional carry, and that was a statistically significant drop in violent crime. Even crimes or killing of officers was not impacted. All of the rest of them were flat. There was decrease in violent crime. There's another story that I know of, and they show a double-digit increase in violent crime. And that one was summarized in The Atlantic magazine. The only difficulty with that study, and you might have heard some of those figures in the previous hour, is that they didn't have real facts for that projection. It was a computer modeling scenario where they got to those numbers. So that's the studies I know of-- of impact that other states have seen. The first gentleman talked about open carry being a target. I can see that. The cost for a permit is a restriction, and with today's Internet security, being on a list can make a person a target. I just want to finish with one example from the wider world about security and defense. When the Soviet Union broke up, Ukraine became its own nation. In the 1990s, President Clinton and Russia approached them-- and Ukraine ended up with nuclear weapons-- approached Ukraine and said, if you give up your nuclear weapons, we guarantee your sovereignty and territorial integrity.

**WAYNE:** Thank you.

**STEVE DAVIES:** I'm finished with my testimony.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here. Next proponent. Welcome.

**JON ANDERSON:** Thank you. My name is Jon Anderson, J-o-n A-n-d-e-r-s-o-n. I did have a handout here, the-- the statement that I had prepared, although most of this has actually been covered previously, most of which from Senator Brewer in his opening statements. Some of this I do want to go over. I am a lifelong Nebraskan. I'm a firearm owner, concealed handgun permit holder, concealed handgun per-- handgun permit instructor, currently a board member for Nebraska Firearms Owners Association, but I am testifying on behalf of myself today. A couple things. First of all, I know that a few of you are cosponsors to LB77, so thank you for that. Senator Blood, I just want to comment on your question to Senator Brewer in his opening statement asking about the federal government, why don't they get their stuff together. None of us in this room can fix that. We have an opportunity to fix it here in our state, so I appreciate the opportunity to testify on behalf of fixing it here. One thing that I want to reiterate that Senator Brewer said, no other right that's listed in the constitution is treated the same way the right to keep and bear arms is treated. There's no prior restraint placed upon our rights to speech or worship, due process or any others. The burden of prior restraint is only placed upon our right to keep and bear arms. The Supreme Court of the United States apparently agrees. In the case of New York State Rifle and Pistol Association Inc v. Bruen, Justice Thomas in his opinion wrote: The constitutional right to bear arms in public for self-defense is not a second-class right subject to an entire-- entirely different body of rules than the other Bill of Rights guarantees, end quote. The Second Amendment says the right to keep and bear arms shall not be infringed. Now we can have a conversation regarding what exactly infringed means, but instead I would urge you to-- to look at the other amendments in the Bill of Rights. Any reasonable person would consider it an infringement to require a training class and a permit to go to church or to speak here today. It would be an infringement to require training and a permit before you're granted the right to due process or a fair and speedy trial. It would definitely be an infringement to cons-- require training and a permit to go vote for one of you fine folks. So the truth is, not every Nebraskan can exercise their right to keep and bear arms, not effectively, in public right now. We have a chance to fix this. I would urge all of you to please make that happen and align us with the way that the founding fathers intended this country to work.

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**WAYNE:** Any questions from the committee? Seeing none, thank you for coming. Next proponent.

**BLOOD:** Wait.

**WAYNE:** Oh, sorry. Senator Blood.

**BLOOD:** Thank you, Senator Wayne. Thank you for your testimony. So I-- I-- since you directed some of this at me, as have several other testifiers, here-- here's the issue that I'm having, and we don't always have as much time to explain what's going on in our heads--

**JON ANDERSON:** Sure.

**BLOOD:** --is that both the State Constitution and the Federal Constitution say that you have the right to bear arms. They don't talk about whether it's concealed carry or what type of carry it is. They just basically--

**JON ANDERSON:** Right.

**BLOOD:** --say you have the right. So we feel we have the right to do this in Nebraska, and I'm not disagreeing with it. I'm talking you through what I'm thinking. OK?

**JON ANDERSON:** Absolutely. Understand.

**BLOOD:** All right. So the-- the issue for me is that if we do it state, then we create a patchwork of laws for gun owners, as opposed to having one rule across the land. We keep making the excuse that the federal government is never going to get around to it, but yet we keep voting the same idiots in time after time after time and then there's always excuses. And then we also ignore things like the 26th Amendment, which is our right to vote, and now we have to show an ID to vote. And we're OK--

**JON ANDERSON:** I have to show an I-- I have to show an ID to buy a gun too.

**BLOOD:** -- we're OK with making sure that we disenfranchise people when it comes to voting. The only time really we're all equal in the world-- in the United States is the day that we vote, one voice, one vote.

**JON ANDERSON:** Yeah.



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**BLOOD:** So for me, sometimes I have trouble when we talk about the constitution. And-- and the question that I have, because I know we have to get to questions and I'm not on my soapbox-- don't want to get in trouble here-- is, do you feel that all amendments should then be respected, not just the one in reference to guns?

**JON ANDERSON:** Absolutely. I think they should all be treated equally.

**BLOOD:** So knowing this, a lot of the people that have spoke today-- and-- and, you know, I'm on social media. I'd say I've recognized about half of the people that came to testify as proponents-- demanded voter ID to-- to violate the 26th Amendment. How do you feel about that?

**JON ANDERSON:** Well, the requirement to show ID is there for me to purchase a firearm, so I don't think that-- if we're going to compare the amendments and the way that they're-- that they're treated, I think that that's in line. I have to prove that I'm a citizen, I have to prove that I'm not a prohibited person in order to purchase that handgun

**BLOOD:** And to vote.

**JON ANDERSON:** And to vote, so--

**BLOOD:** You can't vote if you're a felon in Nebraska.

**JON ANDERSON:** Now we're not here to discuss that. If you want to have a bill introduced that talks about the re-- need to show ID to purchase a handgun or vote, I would absolutely support removing that, 100 percent, either way. But-- but that--

**BLOOD:** It's too late now.

**JON ANDERSON:** I'm here to testify on LB77 and I'm asking the-- the Senate-- excuse me-- the committee to consider, what would you-- what would you say was an infringement? If-- if you have to show an ID, that's what I had to do to buy my guns. OK. It's also what I had to do to get my carry permit. But-- but nobody's requiring me to take a civics class before I go to the ballot box and nobody's requiring me to get a permit and have a background check before I'm allowed to vote.

**BLOOD:** I actually have answers to those, but I also don't want to keep us here until 10:00 tonight. So but--

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**JON ANDERSON:** I would be more than happy to have that conversation. I'm intrigued.

**BLOOD:** --anytime you're in the building, stop me. We'll have coffee. We'll chat.

**JON ANDERSON:** Sounds good.

**BLOOD:** All right, thank you for your answers.

**JON ANDERSON:** Thank you.

**WAYNE:** Any other questions? Seeing none, thank you for being here.

**JON ANDERSON:** Thank you.

**WAYNE:** Next proponent. Go ahead.

**JONATHAN LATHAN:** All right. My name's Jonathan Lathan, J-o-n-a-t-h-a-n L-a-t-h-a-n, and I'd like to thank the Judiciary Committee for being here at this hearing, especially Senator McKinney for addressing that it's not a perception, it is a reality, when it comes to gun rights in certain communities. So I sat and listened to opponents speak of loopholes. Honestly, LB77 doesn't make much of a difference in that aspect. One of the biggest loopholes in obtaining a firearm in Omaha is already in Nebraska law. Since they kept being-- mentioning it, I'll go ahead and address it. On the OPD website under "Handguns," item 6 states that Nebraska State Statute 69-2403 specifies a handgun purchase certificate is not necessary if the transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew or grandparent. With that being said, under Nebraska law you already don't need a-- a permit to purchase a handgun in the city of Omaha, although it says it must be registered and the photo ID is presented at the station. So my question is, is there a NICS check being done at the police station to make sure that that person isn't prohibited or are they just registering it so they can conduct investigations later if something was to happen? Well, law-abiding citizens aren't the ones who are committing these violent crimes. I heard Officer Orozco mentioned, and, yes, it was a tragic situation, but the gun used in that crime was purchased legally and given to an individual with ill intent. Again, speaking of loopholes, since that's the opposition's biggest argument, if your address on your purchase permit and your address on your driver's license match, you can legally obtain a handgun in any other city in Nebraska, including Lincoln, without having to register it. Firearms dealers are only

liable for the information they are presented with at the time of purchase. For instance, with my Nebraska permit, I purchased four firearms this last weekend in Bellevue. I didn't have to register them. I walked in as a lawful person who can legally purchase and walked right out. So some of these so-called loopholes are already there. On the other side, if I was to enter Omaha with that handgun without a CHP and I was stopped because of the disproportionate contact, then I'd be guilty of a misdemeanor just because I crossed over a county line. I'm aware of this, but how many lawful owners aren't? Also, for those four handguns, individuals without a CHP are required to pay \$15 for each firearm, again causing barriers for income-deficient individuals. And, yes, open carry is legal, but I never open carry in Omaha or Lincoln for obvious reasons. Voting for constitutional carry can make a streamlined law for all citizens, regardless of race, religion, or how they identify, to avoid confusion-- confusion and promote Second Amendment rights for all.

**WAYNE:** Thank you for being here. Any questions from the committee? Seeing none, thanks again. Next proponent.

**RANDY BENDORF:** Y'all must have some strong coffee. I couldn't help but yawning over there.

**WAYNE:** [LAUGH] Welcome.

**RANDY BENDORF:** Thank you. Thank you, Senator Wayne. My name is Randy Bendorf, B-e-n-d-o-r-f. I'm going to just kind of skip my background until maybe after. I just wanted to go over a story that happened to a family member. I was looking through my district, which is Senator Blood. I saw the bill on domestic abuse. I thought that was dynamite. I read it all. And this plays right-- it-- it falls right into that. So back in about 2014, we had a family member that was experiencing domestic abuse; happened to live in North Platte, so we had a-- quite a ways to drive. A lot-- I mean, a lot of problems from her-- any domestic abuse, the two younger kids, which were younger than two years old at the time, getting domestic abuse, the daughter, which was I think around eight. As this progressed, it got worse. And as it progressed, her boyfriend, I'll call him-- you know, they lived together for four or five years-- got into gangs, got into selling drugs, building pipe bombs. The neighbors were so afraid of him, I've got the-- some of the reports here for you. He would be testing some of the bombs, and this is a somewhat rural community and they're shaking the windows in all the other houses. So at that time, I was [INAUDIBLE] and doing work myself protecting other people. So we drove

up there and I discussed with her about getting a weapon, to get her permit to purchase, made sure she did that. There was just nowhere to be found anybody that would teach a concealed carry class. So we stayed up there as much as possible. I talked to the sheriff up there, the local PD, that-- to make sure that when this guy was incarcerated, we knew when he was getting out. So I would drive up there and I would kind of trade off with the law enforcement. We did have to go to the courtroom and testify, so I actually walked in there with her because she was within a few feet of him as we testified. But to make a long story short, since the light's on, six months later we got our concealed carry. He happened to get caught by a wonderful sheriff that got him in the middle of the night. He wanted to go in and kill the-- he couldn't have her, he--- and the children, he was going to kill them. So the sheriff came and got him. Of course, he got the bombs, had to detonate the bombs and all those things. But it took so long for her to get her weapon, finally getting her weapon, the guy, thank God, was caught and put in jail. I mean, this is-- it's a huge stumbling block and it- it wore me out, driving back and forth and worrying about her. If she just could have got her permit, she had plenty of people that I knew, law enforcement that would train her. She would have been good to go. She could have protected those kids. But it-- it was-- it was a bad situation. So--

**WAYNE:** Thank you.

**RANDY BENDORF:** --any-- any questions?

**WAYNE:** Any questions? Seeing none, thank you for being here.

**RANDY BENDORF:** And thank you. Thanks for taking the overflow.

**WAYNE:** Next proponent. Is there a Stephanie Johnson [PHONETIC] here, Nathan Griffin [PHONETIC], or Roger Hector [PHONETIC]? Welcome.

**WAYNE McCORMICK:** I have in my-- I have in my notes here to start out "Good afternoon," but now it's "Good evening." Thank you for your-- thank you for your patience and your service here. My name is Wayne McCormick, W-a-y-n-e M-c-C-o-r-m-i-c-k. I'm retired now, a former math teacher and management in a power district. But statistics I do like. I'm not going to bore you with a lot of them, but one of them, I-- I guess we have to make it as easy as we can for our families, our friends to defend themselves. And during the Obama administration, we had lots of shootings going on. He directed his Centers for Disease Control, the CDC, to do research on-- on self-defense because people

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said, well, how-- how often is that actually done? It turned out, surprised everybody that between 500,000 and 3 million times a year, a firearm is used in self-defense, not always as a-- discharged or anything else, but the threat of having that or even the talk of, yes, I have a firearm, you know, please back off or whatever, 500,000 to 3 million times is the estimate, and that's been pretty steady since that time, that each year they do this research. And so we want to make it as easy as we can for people to defend themselves and defend themselves constitutionally. One of the things in the past years that this bill and similar bills to me addressed was, OK, I-- I go out and I purchase a firearm, The first thing I want to try to do is go down to the gun range and learn how to shoot it, learn to do it right. I don't have my concealed carry permit, so I have to be very careful when I'm transporting that firearm from my home to the training facility, because I'm trying to do everything right. If I happen to cover that up with papers or with my coat, as a law-abiding citizen, I could end-- end up being a felon, and I think this would clear that up. I've already gone through all my background checks. I've already gone through, you know, everything that it takes to do the concealed carry. So I do appreciate your time. I do look forward to this bill being on the-- on the legislative floor, so I would-- I'm-- I'm praying that you vote-- vote it out of committee so it has a chance to see the light of day and on the legislative floor for debate. Thank you for your time and your service. And if you have any questions for me?

**WAYNE:** Any questions? To our-- our new senators, it's all right, we're getting through it. [LAUGHTER] All right, only a couple more left. Thank you for being here.

**TIM LARSON:** Thank you.

**WAYNE:** A good Chairman would have ordered you guys food.

**GEIST:** I was gonna mention that but [INAUDIBLE]

**WAYNE:** [LAUGH] I'm working on it. I'm not that-- I'm working on it. Welcome.

**TIM LARSON:** Hi. My name is Tim Larson, L-a-r-s-o-n. Senators, ladies and gentlemen, I'm here to speak to you today in favor of LB77 as a concerned father and citizen. I'm concerned because I read the news and I see the world becoming a more dangerous place every day. Too often, we find ourselves hamstrung in our ability to meet these

threats head-on. Since time immemorial, the laws of nature was "might makes right and to the victor go the spoils." But weapons advance with technology, but the weakest tech-- the weakest in our society, women and children and the elderly, especially, were exploited by threat of harm. But since the advent of the firearm, the situation has changed. Firearms are the great equalizer. Power used unjustly can now be met by the same power used by anyone in self-defense. The old, the weak and the downtrodden were no longer at a disadvantage. Just within the past year, multiple mass-murder events have occurred within our country, to name just three: Monterey Park, California; Highland Park, Illinois; Buffalo, New York. All three of these incidents have something in common. Each with-- occurred in a place where freedom was already greatly limited and people suffered as a result. Citizens paid the price for their government's mistake with their very lives. This approach to fighting crime does not work. My own cousin Jessica [PHONETIC] was murdered in 2019 by a man with a gun as she opened her place of business one morning in her small rural town, presumably with the intent to rob it. She could not defend herself because she was not armed. She was raised around guns and was capable of handling a weapon if she'd been allowed to. The framers of our Nation's Constitution said the right to keep and bear arms shall not be infringed. We must be able to possess them and we must be able to carry them. Both are protected rights under the Second Amendment. The permit process puts unnecessary hurdles in the way of this and discourages people from doing what they ought to be able to have the right to do. A right unused is a right lost. Stipulations on how and where they can be carried is infringement, and that's why LB77 must be passed. Ironically and tragically, my cousin likely would still have been killed four years ago, even if something like LB77 had been in place because the business she was opening was a bank and banks are declared as gun-free zones under Nebraska law, and that would not be changing under LB77. A carjacker loves a defenseless driver, the robber likes nothing more than an unprotected bank, and a terrorist likes the idea of gun-free churches, schools and stadiums to go shoot up. Someone committed to an act of crime is not going to be deterred by breaking one more law. He's not going to think, oh, I really want to go rob a bank or kill some people today, but I can't legally hide my gun, so I guess I won't. That type of thinking is just asinine. My point in testifying today is that restrictions on freedom have real cost, human cost measured in lives as well as dollars. Passing LB77 would be a terrific first step in rolling back unconscionable and ineffective limitations of our inalienable rights.

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**WAYNE:** Oh, sorry. It's red.

**TIM LARSON:** All right.

**WAYNE:** Did you pass out--

**TIM LARSON:** Yes.

**WAYNE:** Yeah. OK. Thank you.

**TIM LARSON:** Sorry, I had to abbreviate my comments--

**WAYNE:** No, you're good.

**TIM LARSON:** --because it was quite lengthy, so.

**WAYNE:** No, you're fine. Any questions from the committee? Seeing none, thank you for being here. Oh, sorry. Go ahead, Senator Holdcroft.

**HOLDCROFT:** I was going to give you the opportunity to finish your last paragraph.

**WAYNE:** See? He's catching on quick. [LAUGH]

**TIM LARSON:** Thank you. Limiting concealed carry to only permitted cit-- citizens only makes criminals brazen because fewer people are prepared to protect themselves. If you care about the safety of Nebraskans, please bring this bill to the floor and vote to pass LB77. Then we can move on to removing exclusion zones and situations and the duty to inform. Thank you for your time.

**WAYNE:** Thank you. Any other questions? Seeing none, thank you for being here. I just got my second wind. I'm ready for the rest of the night. Next proponent. Welcome, Joe.

**JOE GOEBEL:** Thank you, sir. I'm Joe Goebel; last name is G-o-e-b-e-l. I would like to address from a different point of view. I was actually born in Lancaster and raised in south Omaha and Douglas County. I now live in the rural area. I enjoy the rural area because I definitely have a lot more freedoms. But I can tell you from living and growing up in a disadvantaged neighborhood, I believe that this will actually help a lot of our good law-abiding citizens in the disadvantaged neighborhoods who would feel a lot more comfortable in being able to get a firearm and get the training they need. A lot of them have a fear of law enforcement, so going through the permitting process as it

is now, it does stop them. I've-- I've seen many good Latinos that I grew up with that were assaulted. I had a friend of mine who was murdered when we were 15 years old and, you know, they-- the people that murdered him were the gangs, and they still had firearms that were illegal. And I think we need to allow our citizens, all of our citizens in all of our neighborhoods and across the state of Nebraska, the ability to enjoy their rights as Nebraskans. One of the things, too, is I'm a seventh-generation Nebraskan. I've been here a long time. I know what my family's fought for. I know how we did it. It was because we were able to defend ourselves. We didn't have the government sitting here telling us we can only have certain things because at that time we were the front line. We still are the front line. We are the people of Nebraska. We should be backing each other up and we should be building each other up, and that includes our disadvantaged neighborhoods and making it just as easy as we can for everybody else. Thank you.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for being here. And again, I appreciate the chivalry you showed earlier.

**JOE GOEBEL:** Yes, sir. Not a problem. Thank you.

**WAYNE:** Thank you. Welcome.

**SAMUEL WAHLS:** My name is Samuel Wahls; that's S-a-m-u-e-l W-a-h-l-s. I served in the Marine Corps for four years. I we-- I'm 24 years old and at the age of 17, I went to boot camp. I was handed a machine gun at that point in time. I've led people and one thing I noticed was, because I was stationed in California all four years, it was every night on the news I would sit there in the chow hall and I would see a new report of a shooting. It was mass shooting or it was gang violence. It was never a bad person getting killed in these shootings though. It was always the innocent. It was a daily occurrence. And earlier I heard someone say, why doesn't the federal government handle this? Do you really want the same federal government that perpetrated the Fa-- Operation Fast and Furious on the U.S. citizens to be handling this? Currently, I work as an 0702 special occupation taxpayer. I make machine guns now. It's what I do, day in and day out. And I sell them. I sell machine guns to law enforcement legally. I sell regular firearms, handguns, self-defense pistols to five-foot-one women every day so that they can better protect themselves from violent individuals, violent individuals that would mean to do them harm. But it's never enough to stop it. I've seen-- I've seen stuff



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that is just terrible and I never even left the country. It was always in the lower-income neighborhoods in California. The rich neighborhoods in California, they have private security. They have-- they pay people to have firearms. But it's never the low-income. It's always, every single time that ma-- those shootings happened, it was always the poor, and that's who it always ends up affecting. I'm done.

**WAYNE:** Thank you for your testimony. Any questions? Senator Blood.

**BLOOD:** Quick question.

**SAMUEL WAHLS:** Yes.

**BLOOD:** Since you're talking about income levels, have you ever heard the expression "There's no justice, there's just us?"

**SAMUEL WAHLS:** Yep.

**BLOOD:** Could also be possibly that you hear more about people from lower incomes being involved with gun violence or being victims of gun violence because they're more likely to be on the news?

**SAMUEL WAHLS:** Why would they be more likely to be on the news--

**BLOOD:** Why? Because--

**SAMUEL WAHLS:** --when-- when all-- especially in California, you would hear about a mass shooting in Hollywood. If you heard about that, you would hear about that every day for a month. You aren't going to hear about Joe Schmo from the-- from Skid Row getting shot. It's never Beverly Hills that-- it's Beverly Hills that you would hear about for long periods of time. It was always Skid Row that you would hear about for a day, and it would be forgotten.

**BLOOD:** You don't think it's because the wealthier people have better lawyers and were better able to keep it out of the media?

**SAMUEL WAHLS:** Why would they want to keep it out of the media? It's Hollywood.

**BLOOD:** Fair enough.

**WAYNE:** Thank you. Any more questions? Seeing none, thank you for coming.

**SAMUEL WAHLS:** Thank you, sir.

**WAYNE:** Any other proponents? Any other proponents? We-- Senator Brewer, you can come up to close. We received 271 letters for the record-- still short of my record of-- 151 letters of support, 118 in opposition, and 2 in neutral. Welcome, Senator Brewer.

**BREWER:** Thank you. Well, first off, thanks to the committee for sticking around. I have seen this committee on other-- on other bills where, as the afternoon faded on, the number of people faded also. By you staying, you showed respect to the people who came to speak, you showed respect to me, so thank you. I appreciate it. I sometimes wish that when we came in here to testify, that we'd have to put our hand on a Bible and swear because I think there's a lot of times that people come in and provide information that is knowingly dishonest, and I think that happened today. Let's talk a little about that. We'll start with that issue of training. I think if you listened to Trish Harrold and-- and how they explained opportunities there, there's no attempt to avoid training. The training, I think, will be better and more specific to the needs. As we look at whether this should be or not, I guess I still go back to the fact that half the states have it and there are a number of states that are looking at it also. The issue of the A bill, if you go and look, all the lines under General Funds are zeros. They did anticipate a slight reduction because there may be people-- less people applying for permits. But if that's true, the State Patrol will have less tasking there. Now in some states, like Wyoming, the number of permits actually increased because, keep in mind, with that concealed carry permit, now you can cross state lines. It's easier when you go to-- to purchase a gun. Everybody has a carve-out idea, and they don't want to call it that, but. Senator McKinney, thank you for actually telling the truth on what that is. I tried that, and what happened was I got a decision from the Attorney General. We can't make a patchwork of Nebraska with laws so that if you cross it, you become a criminal in this town but not this town. That's what the AG said. I-- I'm willing to-- to do whatever we need to do to figure out what right looks like, but that path isn't going to happen because we've got a decision from the AG. So as much as I would love to say, well, yeah, we'll do it, this, we'll tweak that, all that, we can't and still have the law. Now I thought Spike did a really good job of explaining the problem with these local ordinances and the fact they're probably unconstitutional if someone just had the time and the money to go and pursue it and push the issue. This bill solves that problem. The bill does not change where you can have a gun. The bill does not change who can have a gun. The people who are banned from having it today will be still banned after LB77 becomes

law. Now here's where I have the rub. You heard testimony today from the Omaha Police Officer's Association, and quite frankly it was wrong, and I believe they knew it was wrong or they just did not read the bill. They said that under LB77 a person could legally carry a gun during dangerous crimes. They used terroristic threats as an example. This is a crime, a felony crime by itself. Go-- go under 28-1205. It is a serious felony to use or even possess a gun while you are committing a felony. Again, I wish we had to swear on a Bible when we got up here and then live with the consequences if-- if you've been convicted of domestic violence or if you've been pr-- under a protection order, that is a serious felony offense and you cannot possess a gun or ammunition. I think you heard a false statement from the Lincoln Police Chief. She said that under LB77, that you would not be allowed-- that the people would be allowed to drink or do drugs and carry concealed. That is wrong. Now, if you simply go to the bill and look under page 20, it's right there in black and white. Now, either she didn't read the bill or it was a tactic to kill the bill. So all I'm saying is we have done as much as we possibly can to have a clean bill that addresses the issue of constitutional carry, follows the constitution, follows what the adju-- the Attorney General has asked. And I'm going to leave you, I guess, with this thought, that I keep having folks say, well, it's unnecessary, and-- and I think they're kind of missing the point. There are-- there are scenarios where, I don't care who you are, having a gun for a situation might be the difference between whether you or your family survive. It wasn't that long ago that the riots were right outside this building. And for the freshmen that weren't here, let me describe what happened. The rioters came. The Lancaster County Sheriff's Office surrounded the City/County Building and protected it and did a good job of it. The State Patrol and the Capitol Security did a good job of protecting the Capitol. A couple windows got broke, but overall they did an amazing job considering everything that was going on. But in the meantime, between here and there, they burned, they looted and destroyed buildings. Now what would happen if you got on the phone and you called and you said, someone's breaking in my house? There was no one to come to your aid. The Lincoln Dep-- the Lincoln Police Department was overwhelmed. Sheriff's Office was overwhelmed. And what are you going to do? There are-- there are those who have a-- a right, which technically everyone has. You know, the problem I have with those who came today and said "I support the Second Amendment rights, but," that's-- that's where the rub comes in because it is a right. It is a constitutional right that someone has. A privilege is what is given someone by the state. You-- a driver's license is a privilege, not a right. A right is given

to you under the constitution. That's what I'm asking for today, is that you let the people of Nebraska have the right to keep and bear arms that's in both the Federal and the State Constitution. Mr. Chairman, thank you for your consideration. That concludes my closing.

**WAYNE:** Any questions for Senator Brewer? Seeing none, that will conclude the hearing. I did say I was going to try to Exec tonight. There are a couple of senators want to talk to you, so I'm going to defer to them and let them talk to you and we'll try to get out  
[RECORDER MALFUNCTION]