

AMENDMENTS TO LB236

(Amendments to Standing Committee amendments, AM438)

Introduced by Brewer, 43.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and all amendments thereto and
3 insert the following new sections:

4 Section 1. Section 28-1202, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 28-1202 (1)(a) Except as otherwise provided in this section, any
7 person who carries a weapon or weapons concealed on or about his or her
8 person, such as a handgun, a knife, brass or iron knuckles, or any other
9 deadly weapon, commits the offense of carrying a concealed weapon.

10 (b) It is an affirmative defense that the defendant was engaged in
11 any lawful business, calling, or employment at the time he or she was
12 carrying any weapon or weapons and the circumstances in which such person
13 was placed at the time were such as to justify a prudent person in
14 carrying the weapon or weapons for the defense of his or her person,
15 property, or family.

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

19 (3)(a) This section does not apply to storing or transporting a
20 firearm in a motor vehicle for any lawful purpose or to transporting a
21 firearm directly to or from a motor vehicle to or from any place where
22 such firearm may be lawfully possessed or carried by such person, if such
23 firearm is unloaded, kept separate from ammunition, and enclosed in a
24 case. This subsection shall not apply to any person prohibited by state
25 or federal law from possessing, carrying, transporting, shipping, or
26 receiving a firearm.

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

5 ~~(4) (3)~~ Carrying a concealed weapon is a Class I misdemeanor.

6 ~~(5) (4)~~ In the case of a second or subsequent conviction under this
7 section, carrying a concealed weapon is a Class IV felony.

8 Sec. 2. Section 69-2436, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 69-2436 (1) A permit to carry a concealed handgun is valid
11 throughout the state for a period of five years after the date of
12 issuance. The fee for issuing a permit is one hundred dollars.

13 (2) The Nebraska State Patrol shall renew a permitholder's person's
14 permit to carry a concealed handgun for a renewal period of five years,
15 subject to continuing compliance with the requirements of section
16 69-2433, except as provided in subsection (4) of section 69-2443. The
17 renewal fee is fifty dollars, and renewal may be applied for no earlier
18 than up to four months before expiration of the a permit and no later
19 than thirty business days after the date of expiration of the permit to
20 carry a concealed handgun. At least four months before expiration of a
21 permit to carry a concealed handgun, the Nebraska State Patrol shall send
22 to the permitholder by United States mail or electronically notice of
23 expiration of the permit.

24 (3) The applicant shall submit the fee with the application to the
25 Nebraska State Patrol. The fee shall be remitted to the State Treasurer
26 for credit to the Nebraska State Patrol Cash Fund.

27 ~~(4) On or before June 30, 2007, the Nebraska State Patrol shall~~
28 ~~journal entry, as necessary, all current fiscal year expenses and~~
29 ~~revenue, including investment income, from the Public Safety Cash Fund~~
30 ~~under the Concealed Handgun Permit Act and recode them against the~~
31 ~~Nebraska State Patrol Cash Fund and its program appropriation.~~

1 Sec. 3. Original sections 28-1202 and 69-2436, Reissue Revised
2 Statutes of Nebraska, are repealed.