

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1035**

Introduced by McGill, 26.

Read first time January 22, 2014

Committee:

A BILL

1 FOR AN ACT relating to handguns; to amend section 69-2409.01, Revised  
2 Statutes Cumulative Supplement, 2012; to require reports  
3 from the Nebraska State Patrol and the Department of  
4 Health and Human Services regarding the agencies' records  
5 of persons unable to purchase or possess handguns because  
6 of disqualification or disability; and to repeal the  
7 original section.  
8 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 69-2409.01, Revised Statutes  
2 Cumulative Supplement, 2012, is amended to read:

3                   69-2409.01 (1) For purposes of sections 69-2401 to  
4 69-2425, the Nebraska State Patrol shall be furnished with only such  
5 information as may be necessary for the sole purpose of determining  
6 whether an individual is disqualified from purchasing or possessing a  
7 handgun pursuant to state law or is subject to the disability  
8 provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such information shall  
9 be furnished by the Department of Health and Human Services. The  
10 clerks of the various courts shall furnish to the Department of  
11 Health and Human Services and Nebraska State Patrol, as soon as  
12 practicable but within thirty days after an order of commitment or  
13 discharge is issued or after removal of firearm-related disabilities  
14 pursuant to section 71-963, all information necessary to set up and  
15 maintain the data base required by this section. This information  
16 shall include (a) information regarding those persons who are  
17 currently receiving mental health treatment pursuant to a commitment  
18 order of a mental health board or who have been discharged, (b)  
19 information regarding those persons who have been committed to  
20 treatment pursuant to section 29-3702, and (c) information regarding  
21 those persons who have had firearm-related disabilities removed  
22 pursuant to section 71-963. The mental health board shall notify the  
23 Department of Health and Human Services and the Nebraska State Patrol  
24 when such disabilities have been removed. The Department of Health  
25 and Human Services shall also maintain in the data base a listing of

1 persons committed to treatment pursuant to section 29-3702. To ensure  
2 the accuracy of the data base, any information maintained or  
3 disclosed under this subsection shall be updated, corrected,  
4 modified, or removed, as appropriate, and as soon as practicable,  
5 from any data base that the state or federal government maintains and  
6 makes available to the National Instant Criminal Background Check  
7 System. The procedures for furnishing the information shall guarantee  
8 that no information is released beyond what is necessary for purposes  
9 of this section.

10 (2) In order to comply with sections 69-2401 and 69-2403  
11 to 69-2408 and this section, the Nebraska State Patrol shall provide  
12 to the chief of police or sheriff of an applicant's place of  
13 residence or a licensee in the process of a criminal history record  
14 check pursuant to section 69-2411 only the information regarding  
15 whether or not the applicant is disqualified from purchasing or  
16 possessing a handgun.

17 (3) Any person, agency, or mental health board  
18 participating in good faith in the reporting or disclosure of records  
19 and communications under this section is immune from any liability,  
20 civil, criminal, or otherwise, that might result by reason of the  
21 action.

22 (4) Any person who intentionally causes the Nebraska  
23 State Patrol to request information pursuant to this section without  
24 reasonable belief that the named individual has submitted a written  
25 application under section 69-2404 or has completed a consent form

1 under section 69-2410 shall be guilty of a Class II misdemeanor in  
2 addition to other civil or criminal liability under state or federal  
3 law.

4 (5) The Nebraska State Patrol and the Department of  
5 Health and Human Services shall report electronically to the Clerk of  
6 the Legislature on a biannual basis the following information about  
7 the data base: (a) The number of total records of persons unable to  
8 purchase or possess handguns because of disqualification or  
9 disability shared with the National Instant Criminal Background Check  
10 System; (b) the number of shared records by category of such persons;  
11 (c) the change in number of total shared records and change in number  
12 of records by category from the previous six months; (d) the number  
13 of records existing but not able to be shared with the National  
14 Instant Criminal Background Check System because the record was  
15 incomplete and unable to be accepted by the National Instant Criminal  
16 Background Check System; and (e) the number of hours or days, if any,  
17 during which the data base was unable to share records with the  
18 National Instant Criminal Background Check System and the reason for  
19 such inability. The report shall also be published on the web sites  
20 of the Nebraska State Patrol and the Department of Health and Human  
21 Services.

22 Sec. 2. Original section 69-2409.01, Revised Statutes  
23 Cumulative Supplement, 2012, is repealed.