

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 592**

Introduced by Lautenbaugh, 18.

Read first time January 23, 2013

Committee:

A BILL

1 FOR AN ACT relating to handguns; to amend section 69-2445, Reissue  
2 Revised Statutes of Nebraska, and section 28-1202,  
3 Revised Statutes Cumulative Supplement, 2012; to  
4 authorize the carrying of concealed handguns by qualified  
5 law enforcement officers and qualified retired law  
6 enforcement officers as prescribed; to harmonize  
7 provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-1202, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           28-1202 (1)(a) Except as otherwise provided in this  
4 section, any person who carries a weapon or weapons concealed on or  
5 about his or her person, such as a handgun, a knife, brass or iron  
6 knuckles, or any other deadly weapon, commits the offense of carrying  
7 a concealed weapon.

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

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

17           (3) This section does not apply to a person who is in  
18 compliance with section 3 of this act.

19           ~~(3)~~(4) Carrying a concealed weapon is a Class I  
20 misdemeanor.

21           ~~(4)~~(5) In the case of a second or subsequent conviction  
22 under this section, carrying a concealed weapon is a Class IV felony.

23           Sec. 2. Section 69-2445, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           69-2445 Nothing in the Concealed Handgun Permit Act

1 prevents a person from carrying a concealed weapon as permitted under  
2 section 28-1202 or section 3 of this act.

3           Sec. 3. (1)(a) Notwithstanding any other provision of law  
4 or an ordinance or resolution of any political subdivision, an  
5 individual who is a qualified law enforcement officer or a qualified  
6 retired law enforcement officer and who is carrying the  
7 identification required by subsection (2) of this section may carry a  
8 concealed handgun anywhere in the State of Nebraska.

9           (b) For purposes of this section:

10           (i) Qualified law enforcement officer means an employee  
11 of a governmental agency who:

12           (A) Is authorized by law to engage in or supervise the  
13 prevention, detection, investigation, or prosecution of, or the  
14 incarceration of any person for, any violation of law and has  
15 statutory powers of arrest;

16           (B) Is authorized by the agency to carry a handgun;

17           (C) Is not the subject of any disciplinary action by the  
18 agency which could result in suspension or loss of police powers;

19           (D) Meets standards, if any, established by the agency  
20 which require the employee to regularly qualify in the use of a  
21 handgun;

22           (E) Is not under the influence of alcohol or another  
23 intoxicating or hallucinatory drug or substance; and

24           (F) Is not prohibited by federal law from receiving a  
25 handgun; and

1           (ii) Qualified retired law enforcement officer means an  
2 individual who:

3           (A) Separated in good standing from service with a  
4 governmental agency as a law enforcement officer;

5           (B) Before such separation, was authorized by law to  
6 engage in or supervise the prevention, detection, investigation, or  
7 prosecution of, or the incarceration of any person for, any violation  
8 of law and had statutory powers of arrest;

9           (C)(I) Before such separation, served as a law  
10 enforcement officer for an aggregate of ten years or more; or

11           (II) Separated from service with such agency, after  
12 completing any applicable probationary period of such service, due to  
13 a service-connected disability, as determined by such agency;

14           (D) During the most recent twelve-month period, has met,  
15 at the expense of the individual, the standards for qualification in  
16 firearms training for active law enforcement officers, as determined  
17 by the former agency of the individual, this state, or, if this state  
18 has not established such standards, either a law enforcement agency  
19 within this state or the standards used by a certified firearms  
20 instructor that is qualified to conduct a firearms qualification test  
21 for active duty officers within this state;

22           (E) Has not been officially found by a qualified medical  
23 professional employed by the agency to be unqualified for reasons  
24 relating to mental health and as a result of this finding would not  
25 be issued the photographic identification as described in subdivision

1 (2)(b) of this section;

2 (F) Has not entered into an agreement with the agency  
3 from which the individual separated from service in which that  
4 individual acknowledged he or she is not qualified for reasons  
5 relating to mental health and for those reasons will not receive or  
6 accept the photographic identification as described in subdivision

7 (2)(b) of this section;

8 (G) Is not under the influence of alcohol or another  
9 intoxicating or hallucinatory drug or substance; and

10 (H) Is not prohibited by federal law from receiving a  
11 handgun.

12 (2)(a) The identification required by this section for a  
13 qualified law enforcement officer is the photographic identification  
14 issued by the governmental agency for which the individual is  
15 employed as a law enforcement officer.

16 (b) The identification required by this section for a  
17 qualified retired law enforcement officer is:

18 (i) A photographic identification issued by the agency  
19 from which the individual separated in good standing from service as  
20 a law enforcement officer that indicates that the individual has, not  
21 less recently than one year before the date the individual is  
22 carrying the concealed handgun, been tested or otherwise found by the  
23 agency to meet the active duty standards for qualification in handgun  
24 training as established by the agency to carry a handgun of the same  
25 type as the concealed handgun; or

1           (ii)(A) A photographic identification issued by the  
2 agency from which the individual separated from service as a law  
3 enforcement officer; and

4           (B) A certification issued by this state the individual  
5 resides or by a certified firearms instructor that is qualified to  
6 conduct a handgun qualification test for active duty officers within  
7 this state that indicates that the individual has, not less than one  
8 year before the date the individual is carrying the concealed  
9 handgun, been tested or otherwise found by this state or such a  
10 certified firearms instructor to have met:

11           (I) The active duty standards for qualification in  
12 handgun training, as established by this state, to carry a handgun of  
13 the same type as the concealed handgun; or

14           (II) If this state has not established such standards,  
15 standards set by any law enforcement agency within this state to  
16 carry a handgun of the same type as the concealed handgun.

17           Sec. 4. Original section 69-2445, Reissue Revised  
18 Statutes of Nebraska, and section 28-1202, Revised Statutes  
19 Cumulative Supplement, 2012, are repealed.