

Nebraska Concealed Handgun Permit Act

69-2427. Act, how cited.

Sections [69-2427](#) to [69-2449](#) shall be known and may be cited as the Concealed Handgun Permit Act.

SOURCE Laws 2006, LB 454, § 1; Laws 2009, LB430, § 9; Laws 2010, LB817, § 5.

Pasted from <http://nebraskalegislature.gov/laws/statutes.php?statute=69-2427>>

69-2428. Permit to carry concealed handgun; authorized.

An individual may obtain a permit to carry a concealed handgun in accordance with the Concealed Handgun Permit Act.

SOURCE - Laws 2006, LB 454, § 2.

69-2429. Terms, defined.

For purposes of the Concealed Handgun Permit Act:

- (1) Concealed handgun means the handgun is totally hidden from view. If any part of the handgun is capable of being seen, it is not a concealed handgun;
- (2) Emergency services personnel means a volunteer or paid firefighter or rescue squad member or a person licensed to provide emergency medical services pursuant to the Emergency Medical Services Practice Act;
- (3) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;
- (4) Peace officer means any town marshal, chief of police or local police officer, sheriff or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, any officer of the Nebraska State Patrol, any member of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder, any Game and Parks Commission conservation officer, and all other persons with similar authority to make arrests;
- (5) Permitholder means an individual holding a current and valid permit to carry a concealed handgun issued pursuant to the Concealed Handgun Permit Act; and
- (6) Proof of training means an original document or certified copy of a document, supplied by an applicant, that certifies that he or she either:
 - (a) Within the previous three years, has successfully completed a handgun training and safety course approved by the Nebraska State Patrol pursuant to section [69-2432](#); or
 - (b) Is a member of the active or reserve armed forces of the United States or a member of the National Guard and has had handgun training within the previous three years which meets the minimum safety and training requirements of section [69-2432](#).

SOURCE Laws 2006, LB 454, § 3; Laws 2007, LB463, § 1177.

Cross References

Emergency Medical Services Practice Act, see section [38-1201](#).

69-2430. Application; form; contents; prohibited acts; penalty; permit issuance; denial; appeal.

(1) Application for a permit to carry a concealed handgun shall be made in person at any Nebraska State Patrol Troop Headquarters or office provided by the patrol for purposes of

accepting such an application. The applicant shall present a current Nebraska motor vehicle operator's license, Nebraska-issued state identification card, or military identification card and shall submit two legible sets of fingerprints for a criminal history record information check pursuant to section [69-2431](#). The application shall be made on a form prescribed by the Superintendent of Law Enforcement and Public Safety. The application shall state the applicant's full name, motor vehicle operator's license number or state identification card number, address, and date of birth and contain the applicant's signature and shall include space for the applicant to affirm that he or she meets each and every one of the requirements set forth in section [69-2433](#). The applicant shall attach to the application proof of training and proof of vision as required in subdivision (3) of section [69-2433](#).

(2) A person applying for a permit to carry a concealed handgun who gives false information or offers false evidence of his or her identity is guilty of a Class IV felony.

(3)(a) Until January 1, 2010, the permit to carry a concealed handgun shall be issued by the Nebraska State Patrol within five business days after completion of the applicant's criminal history record information check, if the applicant has complied with this section and has met all the requirements of section [69-2433](#).

(b) Beginning January 1, 2010, the permit to carry a concealed handgun shall be issued by the Nebraska State Patrol within forty-five days after the date an application for the permit has been made by the applicant if the applicant has complied with this section and has met all the requirements of section [69-2433](#).

(4) An applicant denied a permit to carry a concealed handgun may appeal to the district court of the judicial district of the county in which he or she resides or the county in which he or she applied for the permit pursuant to the Administrative Procedure Act.

Source

Laws 2006, LB 454, § 4;

Laws 2009, LB63, § 36;

Laws 2009, LB430, § 10.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB63, section 36, with LB430, section 10, to reflect all amendments.

Note: Changes made by LB63 became effective May 28, 2009. Changes made by LB430 became effective August 30, 2009.

Cross References

Administrative Procedure Act, see section [84-920](#).

69-2431. Fingerprinting; criminal history record information check.

In order to insure an applicant's initial compliance with sections [69-2430](#) and [69-2433](#), the applicant for a permit to carry a concealed handgun shall be fingerprinted by the Nebraska State Patrol and a check made of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. In order to insure continuing compliance with sections [69-2430](#) and [69-2433](#) and compliance for renewal pursuant to section [69-2436](#), a check shall be made of a permit holder's criminal history record information through the National Instant Criminal Background Check System.

Source

Laws 2006, LB 454, § 5;

Laws 2010, LB817, § 7.

69-2432. Nebraska State Patrol; handgun training and safety courses and instructors; duties; certificate of completion of course; fee.

(1) The Nebraska State Patrol shall prepare and publish minimum training and safety requirements for and adopt and promulgate rules and regulations governing handgun training and safety courses and handgun training and safety course instructors. Minimum safety and training requirements for a handgun training and safety course shall include, but not be limited to:

- (a) Knowledge and safe handling of a handgun;
- (b) Knowledge and safe handling of handgun ammunition;
- (c) Safe handgun shooting fundamentals;
- (d) A demonstration of competency with a handgun with respect to the minimum safety and training requirements;
- (e) Knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns;
- (f) Knowledge of federal, state, and local laws pertaining to the use of a handgun, including, but not limited to, use of a handgun for self-defense and laws relating to justifiable homicide and the various degrees of assault;
- (g) Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation; and
- (h) Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child.

(2) A person or entity conducting a handgun training and safety course and the course instructors shall be approved by the patrol before operation. The patrol shall issue a certificate evidencing its approval.

(3) A certificate of completion of a handgun training and safety course shall be issued by the person or entity conducting a handgun training and safety course to persons successfully completing the course. The certificate of completion shall also include certification from the instructor that the person completing the course does not suffer from a readily discernible physical infirmity that prevents the person from safely handling a handgun.

(4) Any fee for participation in a handgun training and safety course is the responsibility of the applicant.

Source

Laws 2006, LB 454, § 6.

69-2433. Applicant; requirements.

An applicant shall:

- (1) Be at least twenty-one years of age;
- (2) Not be prohibited from purchasing or possessing a handgun by 18 U.S.C. 922, as such section existed on January 1, 2005;
- (3) Possess the same powers of eyesight as required under section [60-4,118](#) for a Class O operator's license. If an applicant does not possess a current Nebraska motor vehicle operator's license, the applicant may present a current optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant. If such certified vision reading meets the vision requirements prescribed by section [60-4,118](#) for a Class O operator's license, the vision requirements of this subdivision shall have been met;
- (4) Not have been convicted of a felony under the laws of this state or under the laws of any other jurisdiction;

(5) Not have been convicted of a misdemeanor crime of violence under the laws of this state or under the laws of any other jurisdiction within the ten years immediately preceding the date of application;

(6) Not have been found in the previous ten years to be a mentally ill and dangerous person under the Nebraska Mental Health Commitment Act or a similar law of another jurisdiction or not be currently adjudged mentally incompetent;

(7)(a) Have been a resident of this state for at least one hundred eighty days. For purposes of this section, resident does not include an applicant who maintains a residence in another state and claims that residence for voting or tax purposes except as provided in subdivision (b) or (c) of this subdivision;

(b) If an applicant is a member of the United States Armed Forces, such applicant shall be considered a resident of this state for purposes of this section after he or she has been stationed at a military installation in this state pursuant to permanent duty station orders even though he or she maintains a residence in another state and claims that residence for voting or tax purposes; or

(c) If an applicant is a new Nebraska resident and possesses a valid permit to carry a concealed handgun issued by his or her previous state of residence that is recognized by this state pursuant to section [69-2448](#), such applicant shall be considered a resident of this state for purposes of this section;

(8) Not have had a conviction of any law of this state relating to firearms, unlawful use of a weapon, or controlled substances or of any similar laws of another jurisdiction within the ten years preceding the date of application. This subdivision does not apply to any conviction under Chapter 37 or under any similar law of another jurisdiction, except for a conviction under section [37-509](#), [37-513](#), or [37-522](#) or under any similar law of another jurisdiction;

(9) Not be on parole, probation, house arrest, or work release;

(10) Be a citizen of the United States; and

(11) Provide proof of training.

Source

Laws 2006, LB 454, § 7;
Laws 2009, LB430, § 11;
Laws 2010, LB817, § 8;
Laws 2011, LB512, § 4;
Laws 2012, LB807, § 2.

Cross References

Nebraska Mental Health Commitment Act, see section [71-901](#).

69-2434. Permit; design and form.

The design and form of the permit to carry a concealed handgun shall be prescribed by the Nebraska State Patrol. The permit shall list the permitholder's name, the permitholder's address, and the expiration date of the permit and contain a photograph of the permitholder.

Source

Laws 2006, LB 454, § 8.

69-2435. Permitholder; continuing requirements; return of permit; when.

A permitholder shall continue to meet the requirements of section [69-2433](#) during the time he or she holds the permit, except as provided in subsection (4) of section [69-2443](#). If, during such

time, a permitholder does not continue to meet one or more of the requirements, the permitholder shall return his or her permit to the Nebraska State Patrol for revocation. If a permitholder does not return his or her permit, the permitholder is subject to having his or her permit revoked under section [69-2439](#).

Source

Laws 2006, LB 454, § 9;
Laws 2012, LB807, § 3.

69-2436. Permit; period valid; fee; renewal; fee.

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

(2) The Nebraska State Patrol shall renew a person's permit to carry a concealed handgun for a renewal period of five years, subject to continuing compliance with the requirements of section [69-2433](#), except as provided in subsection (4) of section [69-2443](#). The renewal fee is fifty dollars, and renewal may be applied for up to four months before expiration of a permit to carry a concealed handgun.

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

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

Source

Laws 2006, LB 454, § 10;
Laws 2007, LB322, § 17;
Laws 2012, LB807, § 4.

69-2437. Permit; nontransferable.

A permit to carry a concealed handgun shall be issued to a specific individual only and shall not be transferred from one person to another.

Source

Laws 2006, LB 454, § 11.

69-2438. Limitation on liability.

The Nebraska State Patrol or any agent, employee, or member thereof is not civilly liable to any injured person or his or her estate for any injury suffered, including any action for wrongful death or property damage suffered, relating to the issuance or revocation of a permit to carry a concealed handgun issued pursuant to the Concealed Handgun Permit Act.

Source

Laws 2006, LB 454, § 12.

69-2439. Permit; application for revocation; prosecution; fine; costs.

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

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

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

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

Source

Laws 2006, LB 454, § 13;

Laws 2012, LB807, § 5.

69-2440. Permit holder; duties; contact with peace officer or emergency services personnel; procedures for securing handgun.

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

(2) Whenever a permit holder who is carrying a concealed handgun is contacted by a peace officer or by emergency services personnel, the permit holder shall immediately inform the peace officer or emergency services personnel that the permit holder is carrying a concealed handgun.

(3)(a) During contact with a permit holder, a peace officer or emergency services personnel may secure the handgun or direct that it be secured during the duration of the contact if the peace officer or emergency services personnel determines that it is necessary for the safety of any person present, including the peace officer or emergency services personnel. The permit holder shall submit to the order to secure the handgun.

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

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

(4) For purposes of this section, contact with a peace officer means any time a peace officer personally stops, detains, questions, or addresses a permit holder for an official purpose or in the

course of his or her official duties, and contact with emergency services personnel means any time emergency services personnel provide treatment to a permitholder in the course of their official duties.

Source

Laws 2006, LB 454, § 14.

69-2441. Permitholder; locations; restrictions; posting of prohibition; consumption of alcohol; prohibited.

(1)(a) A permitholder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section [85-1603](#), a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law.

(b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(c) A place of worship may authorize its security personnel to carry concealed handguns on its property so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written notice is given to the congregation and, if the property is leased, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises.

(3) A permitholder carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subdivision (1)(a) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any

parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

(4) An employer may prohibit employees or other persons who are permit holders from carrying concealed handguns in vehicles owned by the employer.

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

Source Laws 2006, LB 454, § 15; Laws 2007, LB97, § 1; Laws 2009, LB430, § 12.

Effective Date: August 30, 2009

Cross References

Nebraska Liquor Control Act, see section [53-101](#).

69-2442. Injury to person or damage to property; permit holder; report required.

Any time the discharge of a handgun carried by a permit holder pursuant to the Concealed Handgun Permit Act results in injury to a person or damage to property, the permit holder shall make a report of such incident to the Nebraska State Patrol on a form designed and distributed by the Nebraska State Patrol. The information from the report shall be maintained as provided in section [69-2444](#).

Source Laws 2006, LB 454, § 16.

69-2443. Violations; penalties; revocation of permit.

(1) A permit holder who violates subsection (1) or (2) of section [69-2440](#) or section [69-2441](#) or [69-2442](#) is guilty of a Class III misdemeanor for the first violation and a Class I misdemeanor for any second or subsequent violation.

(2) A permit holder who violates subsection (3) of section [69-2440](#) is guilty of a Class I misdemeanor.

(3) A permit holder convicted of a violation of section [69-2440](#) or [69-2442](#) may also have his or her permit revoked.

(4) A permit holder convicted of a violation of section [69-2441](#) that occurred on property owned by the state or any political subdivision of the state may also have his or her permit revoked. A permit holder convicted of a violation of section [69-2441](#) that did not occur on property owned by the state or any political subdivision of the state shall not have his or her permit revoked for a first offense but may have his or her permit revoked for any second or subsequent offense.

Source Laws 2006, LB 454, § 17; Laws 2007, LB97, § 2; Laws 2012, LB807, § 6.

69-2444. Listing of applicants and permit holders; availability; confidential information.

The Nebraska State Patrol shall maintain a listing of all applicants and permit holders and any pertinent information regarding such applicants and permit holders. The information shall be available upon request to all federal, state, and local law enforcement agencies. Information relating to an applicant or to a permit holder received or maintained pursuant to the Concealed Handgun Permit Act by the Nebraska State Patrol or any other law enforcement agency is confidential and shall not be considered a public record within the meaning of sections [84-712](#) to [84-712.09](#).

Source Laws 2006, LB 454, § 18.

69-2445. Carrying concealed weapon under other law; act; how construed.
Nothing in the Concealed Handgun Permit Act prevents a person from carrying a concealed weapon as permitted under section [28-1202](#).
Source - Laws 2006, LB 454, § 19.

69-2446. Rules and regulations.
The Nebraska State Patrol may adopt and promulgate rules and regulations to carry out the Concealed Handgun Permit Act.
Source - Laws 2006, LB 454, § 20.

69-2447. Department of Motor Vehicles records; use and update of information.
(1) The Department of Motor Vehicles shall modify the existing system of the department to allow the status of a permit to carry a concealed handgun and the dates of issuance and expiration of such permit to be recorded on the permitholder's record provided for in section [60-483](#). The Nebraska State Patrol shall use the system to record the issuance or renewal of a permit to carry a concealed handgun. The transmission of notice of the issuance or renewal of such permit shall include the applicant's name, the applicant's motor vehicle operator's license number or state identification card number, and the dates of issuance and expiration of the permit to carry a concealed handgun.
(2) An abstract of a court record of every case in which a person's permit to carry a concealed handgun is revoked shall be transmitted to the Department of Motor Vehicles using the abstracting system provided for in section [60-497.01](#). Such abstract shall contain the name of the revoked permitholder, his or her motor vehicle operator's license number or state identification card number, and the date of revocation of the permit to carry a concealed handgun.
Source - Laws 2006, LB 454, § 21.

69-2448. License or permit issued by other state or District of Columbia; how treated.
A valid license or permit to carry a concealed handgun issued by any other state or the District of Columbia shall be recognized as valid in this state under the Concealed Handgun Permit Act if (1) the holder of the license or permit is not a resident of Nebraska and (2) the Attorney General has determined that the standards for issuance of such license or permit by such state or the District of Columbia are equal to or greater than the standards imposed by the act. The Attorney General shall maintain and publish a list of such states and the District of Columbia which he or she has determined have standards equal to or greater than the standards imposed by the act.
Source - Laws 2009, LB430, § 13. - Effective Date: August 30, 2009

69-2449. Information to permitholder regarding lost or stolen handgun or firearm.
The Nebraska State Patrol shall inform each permitholder, upon the issuance or renewal of a permit to carry a concealed handgun, that if a handgun, or other firearm, owned by such permitholder is lost or stolen, the permitholder should notify his or her county sheriff or local police department of that fact.
Source - Laws 2010, LB817, § 6.

69-2448. License or permit issued by other state or District of Columbia; how treated.

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Source - Laws 2009, LB430, § 13. - Effective Date: August 30, 2009

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Source

Laws 2010, LB817, § 6.

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