

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT**  
**LB77**

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**Hearing Date:** Thursday January 26, 2023  
**Committee On:** Judiciary  
**Introducer:** Brewer  
**One Liner:** Provide for carrying of concealed handguns without a permit, change provisions relating to concealed weapons, and prohibit certain regulation of weapons by cities, villages, and counties

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**Roll Call Vote - Final Committee Action:**

Advanced to General File

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**Vote Results:**

<b>Aye:</b>	5	Senators Wayne, McKinney, Ibach, Holdcroft, DeKay
<b>Nay:</b>		
<b>Absent:</b>	2	Senators Blood, Geist
<b>Present Not Voting:</b>	1	Senator DeBoer

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**Testimony:**

**Proponents:**

Senator Tom Brewer  
Bruce Desautels  
Calvin Pemberton  
Aaron Clements  
Patricia Harrod  
Jason Walter  
Patrick Peterson  
Spike Eickholt  
Allie French  
Denise Bradshaw  
Cindy Miller  
Dave Kendle  
Margo Chenoweth  
Bill Aultz  
Trevor Reilly  
Michelle Zahn  
Zachary Gale  
Jonathan Lane  
Stephen Bader  
Nick Folkers  
Ben Stangl  
Liberty Rose BayBridge Schinzing  
Byron Millison  
Clinton Smith  
Matthew Mammoser

**Representing:**

District 43  
Hitchcock County Republican Party - Chairman  
Self  
Self  
Nebraska Firearms Owners Association  
Self  
Nebraska Freedom Coalition  
Nebraska Criminal Defense Attorneys Association  
Nebraskans Against Government Overreach  
Self  
Self  
Seward County Libertarians / Self  
Convention of States / Patriots United of Norfolk  
Self  
Libertarian Party of Nebraska  
Nebraska Firearms Owners Association  
Young Americans for Liberty  
Self  
Republican Liberty Caucus of Nebraska  
Self  
Self  
Self  
Self  
Self  
National Association for Gun Rights

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Briana Bowdino	Self
Keith Kollasch	Nebraska Firearms Owners Association
Steve Davies	Self
Jonathan Anderson	Self
Jonathan Lathan	Self
Wayne McCormick	Self
Tim Larson	Self
Joe Goebel	Self
Samuel Cannon Wahls	Self

**Opponents:**

Vincent Litwinowicz  
 Todd Schmaderer  
 Patrick Dempsey  
 Brian Dembinski  
 Chief Teresa Ewins  
 Ron Cunningham  
 Melody Vaccaro  
 John Lee  
 Amelia Aspen  
 Nancy Packard  
 Courtney Ring  
 Robia Qasimyar  
 Christy Abraham  
 Erin Feichtinger  
 Jayden Speed  
 Sheri St Clair  
 Cindy Maxwell-Ostdiek  
 Michelle Bates  
 Judith A King

**Representing:**

Self / Higher Power Church  
 Omaha Police Chief  
 Omaha Police Officers Association  
 Omaha Police Officers Association  
 Lincoln Police Department  
 Self  
 Nebraskans Against Gun Violence  
 Self  
 Self  
 Self  
 Self  
 League of Nebraska Municipalities  
 Women's Fund of Omaha  
 Students Demand Action  
 Self  
 Self  
 Self

**Neutral:**

Sheriff Aaron Hanson  
 Amber Parker

**Representing:**

Douglas County Sheriff's Office  
 Self

\* ADA Accomodation Written Testimony

**Summary of purpose and/or changes:**

Section 20 would amend Â§ 69-2445 to make a concealed handgun permit optional for a person that is not otherwise prohibited from possessing a firearm.

Section 1 would replace the language in Â§ 18-1703 to generally prohibit counties, cities, and villages from regulating firearms or requiring registration.

Section 2 would amend Â§ 14-102 to remove the power of cities of the metropolitan class to punish and prevent the carrying of concealed weapons.

Section 3 would amend Â§ 15-255 to remove the power of cities of the primary class to prohibit the carrying of concealed weapons.

Section 4 would amend Â§ 16-227 to remove the power of cities of the first class to regulate, prevent, and punish the carrying of concealed weapons.

Section 5 would amend Â§ 17-556 to remove the power of cities of the second class to regulate, prevent, and punish the carrying of concealed weapons.

Section 6 would amend Â§ 28-101 to harmonize language.

Section 7 would amend Â§ 28-1201 to provide definitions of "case", "concealed handgun", "minor", "prohibited person", "qualified law enforcement officer", and "qualified retired law enforcement officer".

Section 7 would define "minor" as a person under age 21 but would exclude a person age 18 or older in the armed forces or an authorized law enforcement officer. This is different from the general definition of "minor" under Nebraska law. The generally applicable age of majority in Nebraska is age 19.

Section 8 would amend Â§ 28-1202 to change the existing criminal offense of carrying a concealed weapon. The amended offense would only apply to "minors" (as defined in Section 7) and prohibited persons. Possession of a firearm (concealed or otherwise) by a prohibited person is already a Class ID felony (mandatory minimum 3 years, maximum 50 years) under Â§ 28-1206.

Section 9 would amend Â§ 69-2441 and relocate the section to Chapter 28. This section provides a list of locations a person otherwise able to carry a concealed weapon is not allowed to carry a concealed weapon.

Section 10 would create a new section that replaces the prohibition on carrying a concealed weapon while under the influence of alcohol in Â§ 69-2441. The prohibition is now a separate offense (Class III misdemeanor) in a separate section.

Section 11 would create a new section that requires a person carrying a concealed weapon to also carry an identification document. Violation of this section would be a Class III misdemeanor.

Section 12 would amend Â§ 69-2440 and relocate the section to Chapter 28. This section requires a person carrying a concealed weapon to inform a peace officer or emergency services personnel that they are carrying a concealed handgun.

Section 13 would amend Â§ 28-1351 to add the offenses in Sections 9-12 to the list of offenses that can support a charge of unlawful membership recruitment into a criminal organization.

Section 14 would amend Â§ 69-2429 to harmonize the definition of "concealed" handgun and deletes the definition of "emergency services personnel", which is relocated to the new section created in Section 11.

Section 15 would amend Â§ 69-2435, Section 16 would amend Â§ 69-2436, and Section 17 Â§ 69-2439 to make harmonizing changes with the changes made in Section 19.

Section 18 would amend Â§ 69-2442 to include the criminal penalty (Class III misdemeanor) for failing to report the discharge of a concealed handgun.

Section 19 would amend Â§ 69-2443 to delete the criminal penalties for offenses in other sections. The penalty provisions are relocated to the appropriate sections.

Section 21 is the repealer clause.

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Justin Wayne, Chairperson