

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Nebraska State Patrol will hold the following rulemaking hearing. The purpose of this hearing is to take testimony and evidence concerning adoption of changes to Title 272, Chapter 22 of the Nebraska Administrative Code, entitled Nebraska Handgun Purchase Permit Act, which will be heard on November 29, 2021 from 2:00 p.m. to 3:00 p.m. in the Public Hearing Room at the Nebraska State Patrol Headquarters, 4600 Innovation Drive, Lincoln, Nebraska.

The purpose of the proposal is to update and clarify the regulations related to the Handgun Purchase Permit Act. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated. Copies of the proposed regulations and the Fiscal Impact Statements shall be available for public inspection at the Office of the Secretary of State and on their website at: <https://sos.nebraska.gov/regulations/rules-and-regulations-division>

Interested persons may provide written comments by mail or email no later than the day of the hearing to: NSP Legal Office, PO Box 94907, Lincoln, NE 68509 or nsp.regulations@nebraska.gov. Any written comments will be part of the record and will be considered.

Reasonable accommodations, including auxiliary aids, will be provided to persons with disabilities by contacting Jessica Forch at 402-479-3506 by November 21, 2021.

FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272	Prepared by: David Babcock
Chapter: 22	Date prepared: 12-7-2020
Subject: Handgun Purchase Certificates	Telephone: (402) 310-1156

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: None.

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 22

NEBRASKA STATE PATROL

Nebraska Handgun Purchase Certificate ~~Permit~~ Act

TITLE 272 NAC XXII
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~~TITLE 272, NEBRASKA ADMINISTRATIVE CODE~~
~~CHAPTER 22 — NEBRASKA HANDGUN PURCHASE PERMIT ACT~~

001 SCOPE AND PURPOSE

- 001.01 These regulations are to implement the Nebraska Handgun Purchase ~~Certificate Permit Act pursuant to Nebraska Revised Statutes §§ 69-2401 and 69-2425.~~ The ~~general purpose of the this Act is~~ it to authorize the regulation of regulate the purchase, lease, rent, or transfer of a handgun.
- 01.02 Statutory authority for these regulations can be found at Neb. Rev. Stat. § 69-2401 through 69-2425.

002 DEFINITIONS

- 002.01 “The Act” means Neb. Rev. Stat. §§ 69-2401 to 69-2425.
- 002.02 “Antique handgun or pistol” is defined in Neb. Rev. Stat. § 69-2402(2). shall mean any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;
- 002.03 “Certificate” means a Nebraska Handgun Purchase Certificate.
- 002.04~~2~~ “Criminal history record check” is defined by Neb. Rev. Stat. § 69-2402(2) shall include a check of the criminal history records of the Nebraska State Patrol and includes a check of the Federal Bureau of Investigation’s National Instant Criminal Background Check System; and.
- 002.03 “Handgun” is defined by Neb. Rev. Stat. § 69-2402(4) shall mean 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.

APPLICATION PROCESS

003.01 Any person desiring to purchase, lease, rent, or receive transfer of a handgun ~~shall~~will apply with the chief of police or sheriff of the applicant’s place of residence for a certificate. The certificate shall not be required under the circumstances listed in Neb. Rev. Stat. § 69-2403(2). if:

~~(1) The person acquiring the handgun is a licensed firearms dealer under federal law;~~

~~(2) The handgun is an antique handgun;~~

~~(3) The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency;~~

~~(4) The transfer is a temporary transfer of a handgun and the transferee remains (a) in the line of sight of the transferor or (b) within the premises of an established shooting facility; or~~

~~(5) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent.~~

003.02 The application may be made in person or by mail.

03.02A If the application is made in person, the applicant will also present a Nebraska driver’s license, or state identification card reflecting the current address, or military identification card.

03.02B If the application is made by mail, the application will describe the license or card used for identification, including the license or card number, and be notarized by a notary public.

003.03 A fee as specified in Neb. Rev. Stat. § 69-2404 will be charged for each application for a certificate. ~~The application form and certificate shall be made on forms approved by the Superintendent of Law enforcement and Public Safety.~~

003.04 Only the official Nebraska State Patrol application form will be accepted. The application form will be designed by NSP and include the following requirements: ~~The application shall include the applicant’s full name, address, date of birth and country of citizenship. If the applicant is not a United States citizen, the application shall include the applicant’s place of birth and his or her alien or admission number.~~

03.04A Full name and any previous name(s) used by applicant;

03.04B Complete address;

- 03.04C Date of birth;
- 03.04D Proof of citizenship by birth certificate, or passport, or in alternative for aliens qualified by federal law to purchase or possesses firearms, their US alien or admission number;
- 03.04E Current driver's license number, state identification card number, or military identification card number, if application is made in person;
- 03.04F Signature of the applicant.

~~003.05~~ ~~If the application is made in person, the applicant shall also present a Nebraska motor vehicle operator's license, or state identification card reflecting the current address, or military identification card, or if the application is made by mail, the application form shall describe the license or card used for identification and be notarized by a notary public who has verified the identification of the application through such a license or card. The vendor selected to print the forms will provide application and certificate forms to issuing agencies only. Issuing agencies may provide blank application forms to dealers. The issuing agency will ensure application forms are accounted for to allow a proper audit of all funds received under the Act.~~

~~003.06~~ ~~An applicant shall receive a certificate if her or she is twenty one years of age or older and is not prohibited from purchasing or possessing a handgun by 18 U.S.C. 922. Application and certificate forms may be made available electronically in a secure manner to issuing agencies.~~

~~003.07~~ ~~A fee of five dollars shall be charged for each application for a certificate to cover the cost of a criminal history record check. All applications and certificate records will be maintained in a secure fashion by law enforcement agencies for audits.~~

~~004~~ — ~~APPLICATION FORM~~

~~004.01~~ — ~~The application form will be designed by the Nebraska State Patrol and will include the following concerning the applicant:~~

~~————— 004.01A ——— Full name and any previous name(s) used by applicant;~~

~~————— 004.01B ——— Complete address;~~

~~————— 004.01C ——— Date of birth;~~

- ~~004.01D~~ Proof of citizenship by birth certificate, passport or in alternative alien or admission number;
- ~~004.01E~~ Current motor vehicle operator's license number, state identification card number, or military identification card, if application is made in person;
- ~~004.01F~~ If the application is made by mail, the application form shall describe the license or card used for identification and be notarized by a notary public who has verified the identification of the applicant through such a license or card.
- ~~004.01G~~ Signature of applicant.
- ~~004.01H~~ Any application for a certificate pursuant to the Act shall be made on the form approved by the Superintendent of Law Enforcement and Public Safety.
- ~~004.01I~~ Any certificate issued in accordance with the Act shall be in the form approved by the Superintendent.
- ~~004.01J~~ The printer shall provide application and certificate forms to issuing agencies only. Issuing agencies may provide blank applications to dealers, PROVIDED, the issuing agency shall ensure application forms are accounted for in a manner to allow proper audit of all funds received in furtherance of the Act.
- ~~004.01K~~ Forms and permits can also be made available electronically in a secure manner to issuing agencies.
- ~~004.01L~~ All certificates shall be maintained in a secure fashion by all law enforcement agencies for purposes of auditing.

~~005~~ PERMIT ELIGIBILITY

003.085.01 To receive a certificate, ~~a~~ Applicants must:

~~003.08A5.01A~~ Be at least twenty-one (21) years of age;

~~003.08B5.02B~~ Complete the application and submit it along with all necessary documentation to the appropriate issuing agency;

003.08C Pay the required fee;

003.08D Not be prohibited from purchasing or possessing a handgun by federal, state, or local law, 18 U.S.C. 922. Verification of this ~~requirement~~ requires a criminal history records check, including a clearance from the National Instant Criminal Background Check System (NICS) check, maintained by the Federal Bureau of Investigation. ~~A summary of the relevant provisions of Section 922 Title 18 of the United States Code can be reviewed on the state Patrol website at <http://www.statepatrol.nebraska.gov/>;~~

~~005.03C~~ Not be prohibited from possessing a handgun under applicable federal, or state law or local law existing on September 6, 1991.

~~003.08E5.03D~~ Be a U.S. citizen or a qualified alien under federal law to purchase or possess a handgun. If the applicant is not a U.S. Citizen, they will include their place of birth or their U.S. alien or admission number. the Federal Immigration and Nationality Act. Such status shall be verified as required by Neb. Rev. Stat. § 4-108.

004 INVESTIGATIONS

004.01 The sheriff or chief of police may require the applicant to obtain and provide additional information as needed, to investigate and make a firearms eligibility decision. The three-days to issue the certificate does not begin until the application is completed, all necessary documentation is received by the issuing agency, and the required fee is paid.

004.02 The sheriff or chief of police to whom the application as submitted will conduct a background check to determine whether the applicant has a firearm disability that precludes him or her from purchasing or possessing a handgun.

004.03 The background check may include, but is not limited to, a criminal background check, a check of court and government records including notations or warrants and commitment orders issued by courts or mental health boards, and interviews of individuals with reliable and pertinent information about the applicant.

0056 CERTIFICATE ISSUANCE PROCESS

0056.01 ~~AI~~f the application for a certificate is complete and all accompanying documentation is submitted, a permit will be issued to the applicant by the chief of police or by the sheriff within three days so long as the record check

reveals no disqualifying information and applicant meets all of the requirements of the Act and these regulations.

~~0056.02~~ Neb. Rev. Stat. § 69-2405 will be followed in calculating the three-day period to issue or deny the certificate. In computing the three-day period, the day of receipt of the application shall not be included and the last day of the three-day period shall be included. The three-day period shall expire at 11:59 p.m. of the third day unless it is a Saturday, Sunday, or legal holiday in which even the period shall run until 11:59 p.m. of the next day which is not a Saturday, Sunday, or legal holiday.

~~006.03~~ If an applicant does not meet the qualifications, the applicant will be notified by mail by the chief of police or sheriff's office indicating the reason for denying issuance of the certificate.

~~006.04~~ A fee of five dollars shall be charged for each application for a certificate to cover the cost of a criminal history record check.

~~0067~~ DENIAL AND REVOCATION OF CERTIFICATE

~~0067.01~~ If an applicant does not meet the certificate qualifications, they will be notified in writing indicating the reason(s) for the denial, along with notification of the appeal process as set out in Neb. Rev. Stat. § 69-2406.

~~006.02~~ If the chief of police or sheriff who issued the certificate determines that the applicant has become disqualified for the certificate under federal, state, or local law and the certificate's three-year term has not expired, section § 69-2404, he or she may immediately revoke the certificate and require the holder to surrender the certificate immediately.

~~007.026.03~~ The agency to which an application was made will preserve evidence of the reason(s) for denial or revocation for at least 30 days, should the applicant appeal the denial or revocation. If, within three years after the certificate has been issued, the issuing agency learns that the applicant was or has become disqualified under revision § 69-2414 the issuing agency shall immediately revoke the certificate and shall initiate action to cause its surrender or seizure.

~~006.04~~ Any person who is denied a certificate, whose certificate is revoked, or who has not been issued a certificate upon expiration of the three-day period may appeal as set out in Neb. Rev. Stat. § 69-2406.

~~008~~ RIGHTS OF PERSONS DENIED PERMITS

~~008.01~~ Any person who is denied a certificate, whose certificate is revoked, or who has not been issued a certificate upon expiration of the three-day period may

~~appeal within ten days of receipt of the denial or revocation to the county court of the county of the applicant's place of residence.~~

~~008.02 — The applicant shall file with the court the specific reasons for the denial or revocation by the chief of police or sheriff and a filing fee of ten dollars in lieu of any other filing fee required by law. The court shall issue its decision within thirty days of the filing of the appeal.~~

~~009 — INVESTIGATION~~

~~009.01 — The Chief of Police or Sheriff to whom the application was submitted, or his or her designee, shall conduct an investigation of the applicant which shall include at a minimum an inquiry of the Nebraska criminal history record, National Instant Criminal Background Check System (NICS) and the records of the agency to which application is made.~~

~~009.02 — The investigation may include, but is not limited to, public records of all courts and government offices including notations or warrants and commitment orders issued by courts and mental health boards; interviews of individuals with reliable and pertinent information about the applicant.~~

~~00740 PERSONS WITH FIREARM DISABILITIES UNDER THE ACT~~

~~00740.01 — A certificate shall be denied pursuant to 18 USC 922 to: A certificate application will be denied if federal, state, or local laws prohibits the applicant from purchasing or possessing a handgun. The following subsections of Section 07 are a nonexclusive list of firearm disabilities that prevent persons from purchasing or possessing handguns.~~

~~007.01A Persons convicted of a crime classified as a felony or a crime punishable by imprisonment for a term exceeding one year, whether or not imposed, per 18 U.S.C. § 922(g)(1).~~

~~007.01B Persons convicted of a misdemeanor punishable by imprisonment for a term exceeding two years, whether or not imposed, per 18 U.S.C. § 922(g)(1).~~

~~007.01C Persons who are fugitives from justice, pursuant to 18 U.S.C. § 922(g)(2), as defined by 18 U.S.C. § 921(15), or Neb. Rev. Stat. § 28-1206, as defined by Neb. Rev. Stat. § 28-1201.~~

~~007.01D Persons who are unlawful users of or addicted to any controlled substance pursuant to 18 U.S.C. §922(g)(3). "Unlawful user of or~~

addicted to any controlled substance” is defined in 27 C.F.R. § 478.11.

007.01E Persons who have been adjudicated as mental defectives or have been committed to any mental institution, as described in 18 U.S.C. § 922(g)(4). “Adjudicated as a mental defective”, “committed to a mental institution”, and “mental institution” are defined by 27 C.F.R. § 478.11.

007.01F Persons who are aliens and are illegally or unlawfully in the United States, as defined by 18 U.S.C. § 922(g)(5). “Alien” and “alien illegally or unlawfully in the United States” are defined in 27 C.F.R. § 478.11.

007.01G Persons who have been discharged from the U.S. Armed Forces under a dishonorable discharge conditions, pursuant to 18 U.S.C. § 922(g)(6). This does not include a “bad conduct” discharge or “other than honorable” discharge from the U.S. Armed Forces.

007.01H Persons who, having been citizens of the United States, have renounced their U.S. Citizenship, as set out in 18 U.S.C. § 922(g)(7). All renounced citizenship information is provided by the Department of State and is found in the NICS Indices.

007.01I Persons convicted in any federal, state, or tribal court of a misdemeanor crime of domestic violence as set out in 18 U.S.C. § 922(g)(9). A misdemeanor crime of domestic violence means a conviction pursuant to 18 U.S.C. § 921(a)(33).

007.01J Persons subject to a court order that restrains them from harassing, stalking, or threatening an intimate partner, as defined by 18 U.S.C. § 921(a)(32), or a child of such intimate partner, or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury pursuant to 18 U.S.C. § 922(g)(8). This firearm disability only applies to a court order that:

- (1) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and
- (2) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
- (3) by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate

partner or child that would reasonably be expected to cause bodily injury.

007.01K Persons who are under indictment or information in any court of a crime punishable by imprisonment for a term exceeding one year, as prohibited by 18 U.S.C. § 922(n), or any state offense classified by the laws of the state as misdemeanor and punishable by imprisonment for a term exceeding two years. “Indictment” is defined by 27 C.F.R. § 478.11.

007.01L Persons who are prohibited by Neb. Rev. Stat. § 28-1206 or Neb. Rev. Stat. § 28-1204.05 from possessing a firearm.

007.01M Persons prohibited from purchasing or possessing a handgun by city or village ordinance.

~~010.10A Felons or persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.~~

~~010.01A(1) “Felony of Crime punishable by imprisonment term for exceeding 1 year” means any Federal, State or foreign offense for which the maximum penalty, whether or not imposed, is a capital punishment or imprisonment in excess of one year. The term shall not include any Federal or State offenses pertaining to antitrust violations, fair trade practices, restraints of trade practices, restraints of trade practices, restraints of trade, or other similar offenses relating to the regulations of business practices, or any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less. What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored, shall not be considered a conviction for purposes of the Act or this part, unless such pardon, expunction, or restoration of civil rights expressly provides that the person~~

may not ship, transport, possess, or receive firearms, or unless the person is prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

~~010.01B~~ ~~Persons who are fugitives from justice.~~

~~010.01B(1)~~ ~~“Fugitive from Justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.~~

~~010.01C~~ ~~Persons who are unlawful users of or addicted to any controlled substance.~~

~~010.01C(1)~~ ~~“Unlawful User of or addicted to any controlled substance” means any person who uses a controlled substance and has lost the power of self control with reference to the use of controlled substance; and any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance~~

~~even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past 5 years if the most recent arrest occurred within the past year; or person found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year. For a current or former member of the Armed Forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use, e.g., court martial conviction, nonjudicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure.~~

~~010.01D — Persons who have been adjudicated as mental defectives or have been committed to any mental institution.~~

~~010.01D(1) — “Adjudicated as a mental defective” means a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:~~

~~010.01D(1)(a) — Is a danger to himself or to others; or~~

~~010.01D(1)(b) — Lacks the mental capacity to contract or manage his own affairs. The term shall include a finding of insanity by a court in a criminal case; and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.~~

~~010.01E — Persons who are aliens and are illegally or unlawfully in the United States.~~

~~010.01E(1) — “Alien” means any person not a citizen or national of the United States, or aliens illegally or unlawfully in the United States. Aliens who are unlawfully in the United States who are not in valid immigrant, nonimmigrant or parole status. The term includes any alien who unlawfully entered the United States without inspection and authorization by an immigration officer and who has not been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (INA); who is a nonimmigrant and whose authorized period of stay has expired or who has violated the terms of the nonimmigrant category in which her or she was admitted; paroled under INA section 212 (d)(5) whose authorized period of parole has expired or whose parole status has been terminated; or under an order of deportation, exclusion, or removal, or under~~

~~an order to depart the United States voluntarily, whether or not he or she has left the United States.~~

~~010.01(F) — Persons who have been discharged from the armed forces under dishonorable conditions.~~

~~010.01F(1) — “Dishonorable Discharge” means separation from the U.S. Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a general court-martial. The term does not include any separation from the Armed Forces resulting from any other discharge, e.g., a bad conduct discharge.~~

~~010.01G — Persons who, having been citizens of the United States, have renounced their U.S. Citizenship.~~

~~010.01G(1) — “Renounced U.S. Citizenship” means a person has renounced his U.S. citizenship if the person, having been a citizen of the United States, has renounced citizenship either before a diplomatic or consular officer of the United States in a foreign state pursuant to 8 U.S.C. 1481(a)(5); or before an officer designated by the Attorney General when the United States is in a state of war pursuant to 8 U.S.C. 1481(a)(6). The term shall not include any renunciation of citizenship that has been reversed as a result of administrative or judicial appeal.~~

~~010.01H(1) — Persons who have committed a Misdemeanor Crime of Domestic Violence. Misdemeanor crime of violence means a Federal, State or local offense that:~~

~~010.01H(1) — Is a misdemeanor under Federal or State law or, in States which do not classify offenses as misdemeanors, is an offense punishable by imprisonment for a term of one year or less, and includes offenses that are punishable only by a fine. (This is true whether or not the State statute specifically defines the offense as a “misdemeanor” or as a “misdemeanor crime of domestic violence.” The term includes all such misdemeanor convictions in Indian Courts established pursuant to 25 CFR part 11.);~~

~~010.01H(2) — Has, as an element, the use or attempted use of physical force (e.g., assault and battery), or the threatened use of a deadly weapon; and~~

~~010.01H(3) — Was committed by a current or former spouse, parent, or guardian of the victim, by a person whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, (e.g., the equivalent of a “common law” marriage even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (e.g., two person who are residing at the same location in an intimate relationship wit the intent to make that place their home would be similarly situated to a spouse).~~

~~010.01H(4) — A person shall not be considered to have been convicted of such an offense for purposes of this part unless:~~

~~010.01H(4)(a) The person is considered to have been convicted by the jurisdiction in which the proceedings were held.~~

~~010.01H(4)(b) The person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and~~

~~010.01H(4)(c) In the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either 002.08(c)(2) — The case was tried by a jury, or 002.08(c)(2) — The person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.~~

~~010.01H(5) — A person shall not be considered to have been convicted of such an offense for purposes of this part if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction for such an offense) unless the pardon, expunction, or restoration of civil rights express provides that the person may not ship, transport, possess, or receive~~

~~firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceeding were held from receiving or possessing any firearms.~~

~~010.01H Person who are subject to a domestic restraining order or domestic protection Nebraska order. “Subject to a domestic restraining order” Means the person is subject to a court order that:~~

~~010.01H(1) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate.~~

~~010.01H(2) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in a reasonable fear of bodily injury to the partner or child; and~~

~~010.01H(3) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or~~

~~010.01H(4) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.~~

~~0740.02 A certificate will not be denied to a person who has been granted lawful relief from a firearm disability. A certificate shall be denied to those persons who are prohibited from possessing a firearm pursuant to 28 1206, to include those convicted of:~~

~~010.02A Misdemeanor Crime of Domestic Violence~~

~~010.02A(1) A crime that is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;~~

~~010.02A(2) A crime that has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and~~

~~010.02A(3) A crime that that is committed by another against his or her spouse, his or her former spouse, a person with whom her or she has a child in common whether or not they have been married or lived together at any time, or a person with who he or she is or was~~

involved in a dating relationship as defined in section 28-323; or

~~010.02B Assault in the third degree under section 28-310, or~~

~~010.02C False imprisonment in the second degree under section 28-315, or~~

~~010.02D First offense domestic assault in the third degree, or under subsection (1) of section 28-323, or~~

~~010.02E Fugitive from justice, for example, the subject of an active felony or misdemeanor warrant, or~~

~~010.02F Any attempt or conspiracy to commit one of the offenses listed in B through F above.~~

~~010.03 A certificate shall be denied to persons prohibited from purchasing or possessing a handgun by city or village ordinance existing on September 6, 1991.~~

~~011 RELIEF FROM DISABILITIES~~

~~011.01 A certificate shall not be denied to any person who has been granted relief from applicable disabilities.~~

~~011.01A Any decision made by any mental health board or court or commissioners that finds that a person is not likely to act in a manner that is dangerous to public safety and removes the person's firearm disability caused by a mental health board or court commitment shall not be considered a disqualifier for purposes of the act or this chapter.~~

~~012 DENIAL~~ 008 ISSUING AGENCIES

~~008.01~~ 12 The agency to which application is made shall preserve evidence for the reason for denial for at least 30 days for use as evidence should the denial be appealed.

~~013 DELEGATION~~

~~013.01~~ Any activity required to be preformed by the chief of police or sheriff under the Act ~~Chief of Police or Sheriff~~ may be performed by his/her authorized designee.

~~014 ACCOUNTING PRACTICES~~

~~00814.02~~ 1 Chiefs of Police and Sheriff's acting pursuant to the Act will ~~shall~~ establish

accounting practices to assure proper disposition of all funds received and to provide ~~allow~~ an effective audit trail.

~~Enabling Legislation~~
~~LB355 Sec. 23~~