

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 21 of the Nebraska Administrative Code, entitled Concealed Handgun Permits, which will be heard on March 24, 2022, from 1:00 p.m. to 2:00 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 Concealed Handgun Permits. There is no expected fiscal impact on political subdivisions or persons being regulated, and an indeterminable fiscal impact on state agencies. 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 68509-4907 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 March 22, 2022.

RECEIVED

FEB 22 2022

SECRETARY OF STATE

Forch, Jessica

From: Forch, Jessica
Sent: Wednesday, February 16, 2022 12:31 PM
To: legals@owh.com
Subject: Legal Notice
Attachments: NOTICE OF PUBLIC HEARING Ch 21.docx

Please find enclosed a legal notice we would like to run online and in print on Saturday, February 19, 2022. Please let me know if you have any other questions.

Please also note that the billing for this notice should be sent to the address below. Previous bills have been incorrectly mailed and addressed to the Crime Lab. Thank you for correcting this error!

Thanks,

Jessica Forch
Attorney III
Nebraska State Patrol
P.O. Box 94907
4600 Innovation Drive
Lincoln, NE 68509
Cell (402) 405-1979



Client

NEBRASKA STATE PATROL CRIME LABORATORY
Phone: 4024718950
Account: 1016019
Address: PO BOX 94907
LINCOLN NE 68509

Payor

NEBRASKA STATE PATROL CRIME LABORATORY
Phone: 4024718950
Account: 1016019
Address: PO BOX 94907
LINCOLN NE 68509

Ad Content Proof

Nota: Ad size does not reflect actual ad

Sales Rep

mrevis

Acct Rep

owh_open

Ordered By

Jessica Forch

Fax:

4024794002

EEmail:

jessica.forch@nebraska.gov

Total Amount \$451.18

Payment Amount \$0.00

Amount Due \$451.18

Tax Amount: 0.00

Payment Meth: Invoice Statement

Status

Materials

Tear Sheets 0

Proofs 0

Affidavits 1

Blind Box

PO Number:

Ad Number

0000290328-01

Ad Type

OWH CLS Legal Lir

Ad Size

1 X 54 li

Color

\$0.00

Production Method

AdBooker (Liner)

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Product and Zone

OWH omaha.com

Placement

C-Legal Ads

Position

Legal Notices

Inserts

7

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING NOTICE is hereby given that

Run Dates 2/19/2022, 2/20/2022, 2/21/2022, 2/22/2022, 2/23/2022, 2/24/2022, 2/25/2022

Product and Zone

OWH World Herald

Placement

C-Legal Ads

Position

Legal Notices

Inserts

1

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING NOTICE is hereby given that

Run Dates 2/19/2022

TagLine: NOTICEOFPUBLICHEARINGNOTICEISHEREBYGIVENTHATTHENEBRASKASTATEPATROLOWILLHOLDTHE FOLLOWINGRULEMAKINGHEARINGTHEPURPOSEOFTHISHEARINGISTOTA

FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272	Prepared by: Jessica Forch
Chapter: 21	Date prepared: 11/29/21
Subject: Concealed Handgun Permits	Telephone: (402) 479-3506

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

State Agency: **Indeterminable.**

Political Subdivision: **No impact.**

Regulated Public: **No impact.**

If indeterminable, explain why:

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 21

NEBRASKA STATE PATROL

Concealed Handgun Permits

001 SCOPE AND PURPOSE

001.01 These regulations are to implement the Concealed Handgun Permit Act pursuant to Neb. Rev. Stat. §§ 69-2432 and 69-2446. The purpose of this act is to provide for Concealed Handgun Permits for those applicants who meet the requirements of the Act.

002 DEFINITIONS

002.01 "Calendar days" mean the total number of days counted from a calendar including weekends and holidays.

002.02 "CID" means the Criminal Identification Division of the NSP.

002.03 "Concealed handgun" is defined by Neb. Rev. Stat. § 69-2429(1).

002.04 "Firing Range" means a location operated and maintained for public or private shooting sports and designed to keep fired rounds within the range by use of a berm or backstop.

002.05 "Handgun" is defined by Neb. Rev. Stat. § 69-2429(3).

002.06 "Misdemeanor crime of violence" means any misdemeanor conviction under the laws of this state that has as an element, the use or attempted use of physical force against another person, or the threatened use of a deadly weapon or deadly force. A "misdemeanor crime of violence" includes but is not limited to:

- (1) A misdemeanor conviction for an attempted felony offense that is a crime of violence or for being an accessory to a felony that is a crime of violence; or
- (2) A conviction under any of the following Neb. Rev. Stat.: assault in the third degree under § 28-310; stalking under subsection (1) of § 28-311.04; false imprisonment in the second degree under § 28-315; third degree sexual assault under subsection 28-320 (3); first offense domestic assault in the third degree under subsection (1) of section 28-323; false imprisonment in the second degree under § 28-315; or any attempt or conspiracy to commit one of these offenses; or
- (3) any conviction from another jurisdiction that is equivalent to one of the above offenses or meets the definition of a misdemeanor crime of violence.

- 002.07 "Nebraska State Patrol" or "Patrol" mean the Nebraska State Patrol Concealed Handgun Permit Program when used in these regulations. The address for this program is P.O. Box 94907, Lincoln, Nebraska 68509. Any mail or documents sent to this address should be clearly marked for the Concealed Handgun Permit Program.
- 002.08 "Permit" mean a Concealed Handgun Permit. The Permit is the property of the Patrol.
- 002.09 "Property damage" mean a loss or harm to either real or personal property having some value to the owner. It does not include minor incidental damage caused by a firearm discharge.
- 002.10 "Peace officer" is defined by Neb. Rev. Stat. § 49-801 (15).
- 002.11 "Posted conspicuous notice" mean a clearly visible sign posted at each public entrance to a place or premises open to the public which indicates that concealed handguns are not allowed in the place or on the premises. A recommended format for the sign can be found in these regulations.
- 002.12 "Readily discernible physical infirmity" mean a visible physical impairment which interferes with the safe handling of a handgun. A person with an apparent impairment will be given the opportunity to demonstrate competency for safe handling during the training program and will not be disqualified if the apparent impairment does not result in unsafe handling of the firearm.
- 002.13 "Renewed permit" mean a five year extension of a permit issued to a permit holder who applies for the extension of the permit within the four (4) months preceding the expiration of the initial permit.
- 002.14 "Resident" mean a person who has been a resident of this state for at least one hundred eighty days. This does not include an applicant who maintains a residence in another state and claims that residence for voting or tax purposes;
- 002.15 "United States Armed Forces member" mean personnel of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, and members of the National Guard on active duty assignment with one of the active services. It does not include members of inactive or reserve units.
- 002.16 "Weapon" mean any revolver, pistol, bowie knife, dirk or knife, brass or iron knuckles, and all other deadly weapons.

002.17 "Working days" mean days in which state offices are open for business, excluding weekends and holidays recognized by the State of Nebraska.

003 NON-RESIDENTS

003.01 Non-residents of the State of Nebraska are not eligible to hold or apply for a Nebraska permit.

004 RECIPROCITY WITH OTHER STATES

004.01 Permits issued by other states or the District of Columbia to persons who are not residents of Nebraska will be recognized as valid in Nebraska if they are on the list maintained and published by the Nebraska Attorney General as jurisdictions using standards which are equal to or greater than those in effect in Nebraska.

004.02 Nebraska issued permits will not automatically be recognized in all states on the list of permits honored in Nebraska.

005 PERMIT ELIGIBILITY

005.01 An applicant will meet and maintain the following requirements:

005.01A Be at least twenty-one (21) years of age;

005.01B Not be prohibited from purchasing or possessing a handgun by federal law under 18 U.S.C. 922. Verification of this requirement requires clearance from the National Instant Criminal Background Check System (NICS);

005.01C Not be prohibited from purchasing or possessing a handgun under state, tribal, or local laws.

005.01D Possess the eyesight necessary for a Class "O" operator's license as evidenced by a valid driver's license issued by the State of Nebraska or a driver's license issued by any other U.S. state or territory that includes a vision test, or a comparable vision exam;

005.01E Not have been convicted of a felony in any jurisdiction;

005.01F Not have been convicted of a misdemeanor crime of violence in any jurisdiction within the ten (10) years preceding the application.

005.01G Not currently be adjudged mentally incompetent or have been found to be mentally ill and dangerous in the previous ten (10) years. This prohibitor does not include a person in a mental institution for

observation or evaluation such as emergency protective custody (EPC) nor a voluntary admission to a mental institution. (Federal law has no time restrictions for this disqualification, see 18 U.S.C. 922);

005.01H Be a current resident of the State of Nebraska and comply with one of the following:

- (1) Have been a resident of the State of Nebraska for at least the past one hundred eighty (180) days, or
- (2) Be a member, the spouse of a member, or someone receiving the benefits of a spouse of a member of the United States Armed Forces stationed at a military installation in Nebraska pursuant to permanent duty station orders, even though he or she has not resided in the State of Nebraska for one hundred and eighty (180) days and he or she maintains a residence in another state, or
- (3) Moved to Nebraska from another state and possess a valid permit to carry a concealed handgun issued by his or her previous state of residence that is recognized by the State of Nebraska pursuant to Nebr. Rev. Stat. § 69-2448, even though he or she has not resided in the State of Nebraska for one hundred and eighty (180) days.

005.01I Not have been convicted of violating any law of this state relating to firearms or unlawful use of a weapon, or-of any similar law of another jurisdiction within the ten (10) years preceding the date of application. This subdivision does not apply to any conviction under Neb. Rev. Stat. Chapter 37 or under any similar law of another jurisdiction, except convictions for: Hunting from Aircraft (Neb. Rev. Stat. § 37-509), Shooting at Wildlife from a Highway or Roadway (Neb. Rev. Stat. § 37-513), or Shotgun on Highway (Neb. Rev. Stat. § 37-522), or under any similar law of another jurisdiction;

005.01J Not have been convicted of violating any laws of this state relating to controlled substances or of any similar law of another jurisdiction within the ten (10) years preceding the date of application;

005.01K Not currently be on parole, probation, house arrest, or work release for any type of offense of any degree. This disqualification does not include pre-trial diversion unless it is from a jurisdiction which requires the offender to enter a guilty plea before diversion;

005.01L Be a citizen or a lawful permanent resident of the United States; and

005.01M Provide proof of training.

006 APPLICATION PROCESS

006.01 Any person wishing to apply for a permit to carry a concealed handgun will apply to the Patrol at the CID office in Lincoln or at any Troop Area Headquarters outside of Lincoln. Locations will be posted on the Patrol website at <http://www.statepatrol.nebraska.gov/>.

006.02 Applicants will present a completed application form in person at the Patrol office designated for taking permit applications. Applicants will submit the following at the time of application:

006.02A the application form;

006.02B proof of training;

006.02C proof of vision;

006.02D proof of identification;

006.02E proof of citizenship;

006.02F proof of address;

006.02G a signature;

006.02H the applicable fee; and

006.02I proof of a legal name change, if the name on the application does not match the applicant's name on his or her birth certificate.

006.03 At the time of application, applicants will:

006.03A submit to a fingerprint scan or two sets of legible fingerprints;

006.03B submit to a photograph; and

006.03C provide an electronic signature, if applying online.

006.04 Completed applications will be transmitted to the Patrol CID in Lincoln for processing and permit issuance.

006.05 An application form which is not complete or legible will not be processed. A notice of deficiency will be mailed to the applicant who will have five (5) calendar

days to submit information or documents to correct the deficiency. If the deficiency is not corrected within this time period, the application will be returned to the applicant who may reapply.

007 REQUIRED DOCUMENTATION

007.01 Identification – The applicant will be required to provide a current Nebraska motor vehicle operator’s license, a Nebraska identification card issued by the Nebraska Department of Motor Vehicles, or a current military identification card.

007.02 Vision – The applicant may show compliance with the vision requirements by presenting a current Nebraska motor vehicle operator’s license or a current driver’s license issued by any other U.S. state or territory that includes a vision test, or a current statement by a Nebraska licensed ophthalmologist or optometrist certifying that the applicant has been tested and meets the vision requirements prescribed for a Class “O” operator’s license (Neb. Rev. Stat. § 60-4,118).

007.03 Citizenship – Applicants are required to be a citizen or a lawful permanent resident of the United States. Proof of citizenship can be an original or certified copy of a birth certificate showing birth in the United States, a copy of naturalization papers, a Certificate of Citizenship issued by the United States Immigration authorities, permanent resident card, Consular Report of Birth Abroad, or a current or expired United States passport.

007.04 Photograph – A color photograph required for the permit will be taken by the Patrol and will meet the same standard as the Nebraska Department of Motor Vehicles. The photograph will display the full, front head and facial features of the applicant who will not wear sunglasses or attire that obscures a feature of the applicant’s face.

007.05 Fingerprints – Fingerprints of the applicant will be obtained at the time of application by utilizing the LiveScan equipment of the Patrol Automated Fingerprint Identification System (AFIS) if that equipment is available at the application site. If LiveScan equipment is not available, the applicant will be fingerprinted on two legible fingerprint cards.

007.06 Training – The applicant may show compliance with the training requirement by providing either the original or a certified copy of a certificate of completion of a Handgun Training and Safety Course approved by the Patrol or a qualifying military training course. An applicant for a permit who is a Handgun Training and Safety Course certified instructor and who has taught the course, may sign their own certificate of completion of training without attending a class taught by another instructor.

007.07 Military Orders – Members of the United States Armed Forces who need to establish residency as specified in § 005.01H of these regulations will provide a copy of their permanent duty station orders.

008 PERMIT ISSUANCE PROCESS

008.01 Once the application for a permit is complete and all accompanying documentation is submitted, a permit will be issued to the applicant by the Patrol within forty-five (45) calendar days, so long as the record check reveals no disqualifying information and the applicant meets all of the requirements of the Act and these regulations.

008.02 If the applicant does not meet the qualifications, they will be notified by mail indicating the reason for the denial. Applicants who are charged with or under indictment for a crime that would be a disqualification under the Act, if convicted, will have their applications held pending resolution of the criminal charges, at which time the application will be granted or denied.

009 FEES FOR PERMITS

009.01 The fees for permit issuance are as follows:

Permit - \$100

Permit renewal - \$50

009.02 All fees will be paid with the application in cash or check made payable to the Nebraska State Patrol, or by e-check, debit or credit cards, or any other payment method approved by the Patrol.

009.03 If a permit is not issued to the applicant, the permit application fee will be refunded to the applicant less the current charge for the required state and federal criminal history record check. State of Nebraska rules require a social security number to issue a refund.

009.04 Any fees charged by a person or entity conducting instruction in the required Handgun Training and Safety Course are the responsibility of the applicant and are not included in the fees listed above.

010 RENEWAL OF PERMITS

010.01 Permit holders may renew a permit to carry a concealed handgun within the four (4) months prior to expiration of the initial permit. This may be done online or at any Patrol Troop Headquarters or office listed by the Patrol as accepting permit applications.

010.02 An application for renewal will be completed by the permit holder affirming that they still meet all current requirements for obtaining a permit. The application will be accompanied by the appropriate fee. All applications for renewal will be cleared through the National Instant Criminal Background Check System (NICS) to confirm continuing compliance with statutory requirements.

010.03A permit holder whose permit becomes ineligible to renew is required to apply for another initial permit and meet all the requirements for an initial permit.

010.04 A permit holder's application for renewal will not be denied based on their first conviction for carrying concealed in a prohibited location (in violation of Neb. Rev. Stat. § 69-2441) that did not occur on property owned by the State of Nebraska or any political subdivision of the State of Nebraska, but their application for renewal may be denied for any second or subsequent such offense.

010.05An online renewal will cost \$50 plus a service fee and will require a credit card, debit card, or e-check. When renewing online, the Patrol may substitute on the renewal permit, a photograph of the applicant obtained from the Nebraska Department of Motor Vehicles. The Patrol may require an applicant to apply for a renewal in person at one of its offices if their most recent photograph is ten (10) years old or older, if there is an issue regarding their identity or criminal history, or if there is an issue regarding the information provided in or with the application.

011 REVOCATION OF PERMITS

011.01 Refer to Neb. Rev. Stat. § 69-2439.

011.02 A permit will not be revoked based on the permit holder's first conviction for carrying concealed in a prohibited location (in violation of Neb. Rev. Stat. § 69-2441) that did not occur on property owned by the State of Nebraska or any political subdivision of the State of Nebraska, but a permit may be revoked for any second or subsequent such offense.

012 RIGHTS OF PERSONS DENIED PERMITS

012.01 Persons denied a permit by the Patrol may file a request for an administrative due process hearing to review the denial. A request will be considered timely filed if placed in the United States mail with sufficient postage, properly addressed to the Nebraska State Patrol, Concealed Handgun Permit Program, P.O. Box 94907, Lincoln, Nebraska 68509 within fourteen (14) working days of the mailing of the denial letter to the applicant. No administrative hearing will be afforded applicants who fail to timely file an appeal of the Patrol's denial of a permit.

012.02 If a hearing is held, it will be conducted in accordance with the Nebraska Administrative Procedures Act and the Patrol Rules and Regulations under Title

272 NAC Chapter 1. The petitioner (applicant) will specify through pleadings or at a prehearing conference the basis for the appeal.

- 012.03 The scope of the hearing will include a review of the application information.
- 012.04 The Patrol has the burden of proceeding with evidence to show why the application was denied.
- 012.05 A decision will be made by the Superintendent within fifteen (15) working days of the hearing.
- 012.06 Appeals from the Superintendent's decision may be filed pursuant to Neb. Rev. Stat. § 69-2430.
- 012.07 No hearing will be afforded applicants who failed to successfully complete an approved training program.
- 012.08 Any person initially denied a permit because of failure to submit proper documentation may contact the CID to see if the deficiencies can be corrected.
- 012.09 Any person denied a permit based on the applicant's Nebraska criminal history information which they believe to be erroneous may contact the CID to challenge the criminal history information per Neb. Rev. Stat. § 29-3525.
- 012.10 The Superintendent of the Patrol may assign a hearing officer to conduct prehearing conferences and hearings and submit a recommended decision. The hearing officer will follow the rules of procedure as found in 272 NAC 1.
- 012.11 In the event the Petitioner fails to appear for a hearing, a default disposition will be entered into the record upholding the decision of the Patrol.

013 CHANGE OF NAME OR ADDRESS OF PERMIT HOLDER

- 013.01 Permit holders who change their name or address are required to notify the Patrol Concealed Handgun Permit Program in writing within thirty (30) days of the change in name or address using the form prescribed by the Patrol.
- 013.02 A permit holder may obtain a replacement permit by returning the current permit to the Patrol Concealed Handgun Permit Program and submitting an application for a replacement permit. If the applicant still meets the requirements for a permit, the Patrol will issue a replacement permit with the same expiration date as the initial or renewed permit.
- 013.03 A permit holder may request to pick up the replacement permit in person or have it mailed.

013.04 A permit holder moving to another state will return the permit to the Patrol Concealed Handgun Permit Program for cancellation. The permit is not valid if the permit holder is no longer a resident of Nebraska.

013.05 A permit holder may apply online for a replacement permit. The Patrol may substitute a photograph of the applicant obtained from the Nebraska Department of Motor Vehicles. The Patrol may require an applicant for a replacement permit to apply in person at one of its offices.

014 LOST, STOLEN OR DAMAGED PERMITS

014.01 A permit holder whose permit is lost, stolen, or damaged will notify the Patrol in writing within ten (10) days of determining that the permit is lost, stolen, or damaged. When notified of a lost, stolen, or damaged permit, the Patrol will cancel the permit. The permit holder will not carry a concealed handgun until the Patrol issues a replacement permit.

014.02 A permit holder may obtain a replacement permit by submitting application for replacement using the form prescribed by the Patrol. The replacement form will require a statement about the facts and circumstances surrounding the "lost, stolen or damaged" permit. If the applicant still meets the requirements for a permit, the Patrol will issue a replacement permit that will have the same expiration date as the initial or renewed permit.

014.03 A permit holder whose permit is damaged may return the damaged permit to the Patrol with an application for a replacement permit.

014.04 If a peace officer seizes a permit as evidence of a violation for a criminal case or a revocation proceeding, the officer will notify the Patrol immediately so that the permit will not be replaced as lost or stolen. A form for this purpose will be available on the Patrol website.

014.05 A permit holder whose permit has been lost, stolen or damaged may apply online for a replacement permit. The Patrol may substitute a photograph of the applicant obtained from the Nebraska Department of Motor Vehicles. The Patrol may require an applicant who has had their permit lost, stolen or damaged to apply in person at one of its offices.

015 REAPPLICATION AFTER DENIAL OR REVOCATION

015.01 A new application for a permit to carry a concealed handgun will automatically be denied if received from an individual who has previously been denied a permit or whose permit has been revoked, unless the disqualification has been remedied. The

applicant has the responsibility to document that the disqualification has been removed.

016 PROHIBITED PLACES AND PREMISES

016.01 A permit holder may carry a concealed handgun anywhere except;

016.01A Police, sheriff, or Patrol station or office;

016.01B Detention facility, prison, or jail;

016.01C Courtroom or building containing a courtroom;

016.01D Polling place during a bona fide election;

016.01E Meeting of the governing body of a county, public school district, municipality, or other political subdivision;

016.01F Meeting of the Legislature or a committee of the Legislature;

016.01G Financial institutions as defined by Neb. Rev. Stat. § 8-101(12);

016.01H Professional or semi-professional athletic events;

016.01I School buildings, school grounds, school-owned vehicles, or school-sponsored activity or athletic events of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in Neb. Rev. Stat. § 85-1603, a community college, or a public or private college, junior college, or university (see Neb. Rev. Stat. § 28-1204.04);

016.01J Place of worship;

016.01K Hospital, emergency room, or trauma center;

016.01L Political rally or fundraiser;

016.01M Establishment having a liquor license which derives over one-half of its income from the sale of alcoholic liquor;

016.01N Any other place or premises where the carrying or possession of a firearm is prohibited by state or federal law; or

- 016.01O Any place or premises or employer owned vehicle where those in control of the place, premises or vehicle have prohibited permit holders from carrying concealed handguns.
- 016.02 A financial institution, notwithstanding § 016.01G above, may authorize its security personnel to carry a concealed handgun while on duty so long as the security personnel have a concealed handgun permit and are in compliance with the law.
- 016.03 A place of worship, notwithstanding § 016.01J above, may authorize its security personnel to carry a concealed handgun on its property so long as the security personnel have a concealed handgun permit and are in compliance with the law. If security personnel are so authorized, written notice of such authorization will be given to the congregation and, if the property is leased, it may not be in violation of the terms of the property lease agreement between the place of worship and the lessor.
- 016.04 A person, entity, or employer in control of a place described in § 016.01O above, which is open to the public, may prohibit permit holders from carrying concealed handguns in the place by posting a conspicuous notice that carrying a concealed handgun is prohibited in or on the place or by making a request, directly or through an authorized representative or management personnel, that the permit holder remove the concealed handgun from the place.
- 016.05 State law does not mandate a specific requirement for a sign other than that it be conspicuously posted, however, the Patrol suggests that a standardized format be utilized. The standardized form should contain a four (4) inch circle with a slash covering a handgun and text giving notice that carrying a concealed handgun anywhere on the premises is prohibited. A form will be available on the Patrol's website which can be downloaded for printing. The Patrol also recommends that a place or premises wishing to prohibit concealed handguns post the sign at normal eye level at each public entrance to the place or premises. Normal eye level is considered to be between 54" and 66" from the floor.
- 016.06 Except as prohibited by federal law, a permit holder may carry 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 and used by any of the places or premises listed above if the handgun is not removed from the vehicle and the handgun is properly secured in the vehicle before the permit holder exits the vehicle. To be properly secured in the vehicle, the handgun will be locked inside the glove box, trunk or other compartment of the vehicle, in a storage box attached to the vehicle, or in a securely attached hardened compartment if the vehicle is a motorcycle.
- 016.07 Employers may prohibit employees or other persons who are permit holders from carrying concealed handguns in vehicles owned by the employer.

016.08 While state law does not mandate, the Patrol recommends that any establishment having a liquor license which derives over one-half of its income from the sale of alcoholic liquor post conspicuous notice of no concealed carry on the premises with the standardized sign.

017 OBLIGATIONS OF A PERMIT HOLDER

017.01 At all times while carrying a concealed handgun, a permit holder will carry the following documentation and display it to any peace officer or emergency service personnel upon request:

017.01A The concealed handgun permit; and

017.01B Nebraska driver's license, Nebraska-issued state identification card, or military identification card.

017.02 A permit holder carrying a concealed handgun who is officially contacted by any peace officer or emergency services personnel will immediately inform the peace officer or emergency service personnel of the concealed handgun unless physically unable to do so.

017.03 A peace officer or emergency service personnel making contact with the permit holder may determine that securing the handgun is necessary for the safety of any person present. If requested, the permit holder will immediately surrender or secure the handgun for safekeeping as ordered by the peace officer or emergency service personnel until a determination has been made that there is no concern for safety and that the permit holder will not be detained for law violations or medical treatment. If the permit holder is transported for treatment by emergency service personnel, the handgun is to be turned over to a peace officer as soon as it is feasible to do so. The peace officer will provide the permit holder with a receipt for the handgun which will include make, model, caliber, and serial number.

017.04 A permit holder will not carry a concealed handgun while consuming alcohol or while there is any previously consumed alcohol or controlled substance as defined by Neb. Rev. Stat. § 28-401 in his or her blood, urine, or breath unless the controlled substance was lawfully obtained and taken in therapeutically prescribed amounts.

017.05 A permit holder will continue to meet all of the requirements for issuance of a permit during the time he or she holds a permit. A permit holder no longer meeting the requirements for a permit is required to return the permit to the Patrol for cancellation. A permit holder who fails to return the permit is subject to the formal revocation process described in these regulations. If a permit holder dies or becomes disabled, relatives or other responsible parties are requested to return the

permit to the Patrol for cancellation. Permits cannot be transferred to another person. No fees will be refunded for permits which are cancelled or revoked.

017.06 A permit holder who has a handgun or other firearm lost or stolen should notify his or her county sheriff or local police department of that fact. The Patrol will so inform each permit holder at the time of issuance or renewal of a permit.

018 REPORTING INJURIES AND DAMAGE CAUSED BY FIREARM OF PERMIT HOLDER

018.01 Any injury to a person or damage to property resulting from the discharge of a handgun carried by a permit holder will be reported by the permit holder to the Patrol within ten (10) days of the incident. The form for making such a report will be available on the Patrol website. The report is not required for minor property damage. A report is required for malicious damage inflicted with a handgun.

019 TRAINING AND SAFETY COURSE REQUIREMENTS

019.01 When applying for a permit, an applicant for a concealed handgun permit will submit proof of successful completion of an approved Handgun Training and Safety Course or military documentation evidencing handgun training within the past three (3) years by a member of the active or reserve armed forces or the National Guard.

019.02 To be approved, the training course will have been conducted:

019.02A by an instructor certified by the Patrol;

019.02B utilizing a lesson plan approved by the Patrol;

019.02C after the instructor has been certified by the Patrol. Any courses taught by an instructor prior to being certified will not meet the training requirement for a permit; and

019.02D within the three (3) years immediately preceding the date of application.

020 INSTRUCTOR QUALIFICATIONS

020.01 Before instructors will be certified to teach, they will meet and maintain the following qualifications for certification to instruct the Handgun Training and Safety Course approved curriculum:

020.01A Be at least 21 years of age;

- 020.01B Not be prohibited from purchasing or possessing a handgun by federal law under 18 U.S.C. 922.
- 020.01C Not be prohibited from purchasing or possessing a handgun by state, tribal, or local law.
- 020.01D Possess the eyesight necessary for a Class "O" operator's license;
- 020.01E Not have pled guilty or nolo contendere or been convicted of a felony or crime of violence in any jurisdiction;
- 020.01F Not currently be adjudged mentally incompetent or have been found to be mentally ill and dangerous in the past ten (10) years;
- 020.01G Have had no violations of any law relating to firearms, unlawful use of a weapon, or controlled substances in Nebraska or any other jurisdiction in the past ten (10) years;
- 020.01H Not be on parole, probation, house arrest, or work release for any type of offense of any degree;
- 020.01I Be a citizen or a lawful permanent resident of the United States; and
- 020.01J Possess a valid and current firearms instructor certification to teach handgun courses. This can be certification either as a State of Nebraska Certified Firearms Instructor (law enforcement only), a Military Pistol Instructor, a National Rifle Association Certified Pistol Instructor, or instructor in some other program meeting the same standards for instructor certification. It is the applicant's responsibility to demonstrate their program meets the minimum standards for instructor certification.

021 INSTRUCTOR CERTIFICATION PROCESS

- 021.01 Persons wishing to become certified instructors for the required Handgun Training and Safety Course will submit an application form to the Patrol in person at one of the Patrol offices listed in these regulations, together with a copy of a current Firearms Purchase Certificate under Neb. Rev. Stat. §§ 69-2401 to 69-2409, or a current permit issued under the Concealed Handgun Permit Act, or a current Federal Firearms License issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.
- 021.02 Instructor applicants will be required to present proof of identification, be fingerprinted and photographed, and pay the current fee for processing of a state criminal history record information check.

021.03 Upon completion of the background check, instructor applicants who meet all of the requirements will be certified by the Patrol.

021.04 The instructor certification is valid for a period of three (3) years unless sooner revoked. An instructor wishing to renew the instructor certification will:

021.04A submit a new application for instructor certification; and

021.04B submit to fingerprinting and pay the fee for a new criminal history information check.

021.05 Upon verification that the firearm safety instructor meets the qualifications for an instructor, the Patrol will renew the registration of the instructor and notify the instructor.

021.06 Failure to maintain the requirements set out in these regulations or failure to abide by the rules and regulations is cause for revocation of the firearms safety instructor's certification by the Patrol.

021.07 Upon remedy of the reason(s) for revocation of the instruction certification, a new application may be submitted to the Patrol. An instructor whose certificate is revoked will not teach the Handgun Training and Safety Course nor advertise that an approved program is taught.

022 HANDGUN TRAINING AND SAFETY COURSE INSTRUCTOR OBLIGATIONS

022.01 An instructor will notify the Patrol in writing within ten (10) days of any change of their name, business name, address, or telephone number.

022.02 For each individual who receives instruction in the Handgun Training and Safety Course, the instructor will complete a class information form containing the following minimum information and submit it to the Patrol within fifteen (15) days of completion of the training:

022.02A Full name, gender, age, and date of birth of the individual taking the course at the time training commenced;

022.02B Student's complete address, phone number, and driver's license or Nebraska identification card number;

022.02C Student's written test scores and shooting qualification scores;

022.02D Dates and number of hours of each training session;

022.02E Physical location of each training session;

022.02F Name of each instructor and any assistant or co-instructor conducting the training sessions;

022.02G Whether the individual passed, failed, or withdrew from the program; and

022.02H A copy of all training materials, practical exercises, tests and class records. It is not necessary to repeatedly submit identical copies of training materials. If part of the materials are identical to those previously submitted, the instructor will so note when submitting class records.

022.03 The Patrol prefers that the required class records be submitted electronically. If instructors are not able to submit electronically, paper copies will be accepted.

023 TRAINING COURSE ADMINISTRATION

023.01 The instructor or entity providing training will provide the Patrol a schedule of planned courses, to include the date, time and location of each course, a minimum of ten (10) days prior to the start of the course. Exceptions may be made at the discretion of the Patrol.

023.02 The Handgun Training and Safety Course will be of sufficient length to cover all course materials as approved by the Patrol.

023.03 All training will be conducted in person by an instructor certified by the Patrol. Videotapes of the instructor instructing, and distance learning are not acceptable. This does not preclude the use of multi-media to enhance learning.

023.04 Range training will be live fire exercises and will be conducted at a firing range.

023.05 A maximum of 25 students per class will be allowed.

023.06 Instructor to student ratios:

Classroom - 1 instructor to 25 students

Range/practical exercises - 1 instructor to 5 students

Instructors are encouraged, to have a secondary Range Safety Officer present with the instructor during the live fire exercises.

023.07 The instructor will provide each student with the following:

023.07A Outline of the material instructed;

023.07B Current copy of the Concealed Handgun Permit Act;

023.07C Current copy of the Concealed Handgun Permit Act Rules and Regulations; and

023.07D Printed information on how and where to apply for the concealed handgun permit.

023.08 The Patrol may attend any Handgun Training and Safety Course presented for the purposes of auditing the content of the instruction. In order to enhance knowledge of the content of this training course, instructors are encouraged to invite local law enforcement officers and emergency service personnel to monitor courses they teach.

023.09 Upon completion of the Handgun Training and Safety Course, the instructor will issue a certificate of completion to each student who passes the course. The certificate of completion will be on the form provided by the Patrol and will contain the following information:

- 1) Instructor's printed name;
- 2) Instructor's signature;
- 3) Course location;
- 4) Course date;
- 5) Student's name;
- 6) Student's driver's license or Nebraska identification card number;
- 7) Student's fingerprint from his or her right index finger;
- 8) Statement concluding the student has met the course requirements; and
- 9) Statement concluding the student does not suffer from a readily discernible physical infirmity that prevents the person from safely handling a handgun.

024 TRAINING COURSE CONTENT

024.01 The instructor of a Handgun Training and Safety Course is required to provide a Handgun Training and Safety Course Lesson Plan to the Patrol. Before it can be used, the Lesson Plan will meet the minimum standards for the course and be approved by the Patrol. Significant deviation from a lesson plan is unacceptable and may result in the revocation of the instructor's certification. Additionally, deviations may result in rejection of student's permit application.

024.02 The following will be the minimum information instructed to the participants of any Handgun Training and Safety Course. An instructor may supplement the Lesson Plan but may not teach material which is inconsistent with the plan.

024.03 The minimum safety and training requirements for a Handgun Training and Safety Course include, but are not limited to:

- 024.03A Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation;
- 024.03B Knowledge of operation and safe handling of a handgun;
- 024.03C Knowledge of and safe handling of handgun ammunition;
- 024.03D Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child;
- 024.03E Safe handgun shooting fundamentals;
- 024.03F Knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns; and
- 024.03G 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.

024.04 Applicants will demonstrate competency in handling and shooting a handgun with respect to the minimum safety and training requirements:

- 024.04A Students will complete practical exercises which include practice shooting on the range. These exercises will include but are not limited to the following: drawing and firing drills, precision shooting drills, and decision making (shoot/don't shoot) drills. The number of rounds to be fired in practice by each student will be determined by the instructor.
- 024.04B The Patrol will set the qualification course for the demonstration of competency. The course will be 30 rounds with varying distances. The target used will be the FBI "Q" target. A score of 70 percent is the minimum to demonstrate competency. Participants in the Handgun Training and Safety Course will be allowed three attempts to demonstrate competency.

024.04C Qualification Course

Distance	Number of Rounds	Time limit
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3 feet Six (6) N/A
** Two rounds per command to fire. One (1) repetition will be from a concealed draw**

9 feet Twelve (12) N/A
** Two rounds per command to fire. Three (3) repetitions will be from a concealed draw**

15 feet Six (6) N/A
** Two rounds per command to fire. One (1) repetition will be from a concealed draw**

21 feet Six (6) N/A
** Two rounds per command to fire. One (1) repetition will be from a concealed draw**

024.05 Applicants will take a written test consisting of a minimum of 30 questions. The Patrol will provide the test questions. A score of 70 percent is the minimum passing score.

025 PENALTIES

025.01 Under Neb. Rev. Stat. § 69-2430(2) an applicant for a concealed handgun permit who provides false information or offers false evidence of his or her identity is guilty of a Class IV felony and is subject to revocation of the permit in a civil prosecution.

025.02 Under Neb. Rev. Stat. § 69-2443 a permit holder who fails to carry the required documents when carrying a handgun or who fails to inform of the presence of a handgun when officially contacted by a peace officer or by emergency services personnel is guilty of a Class III misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense and is subject to a revocation of the permit in a formal civil prosecution.

025.03 The following offenses are classified as Class III Misdemeanors for the first offense and as Class I Misdemeanors for the second or subsequent offense:

- Permit holder carrying a concealed handgun into a prohibited place or premises.
- Permit holder carrying a concealed handgun while consuming alcohol.
- Permit holder carrying a concealed handgun while having alcohol or any controlled substance (except therapeutically prescribed amounts of legal substances) remaining in their blood, urine, or breath.

- Permit holder failing to file a report with the Patrol following an injury to a person or damage to property caused by the discharge of a concealed handgun carried by the permit holder.

025.04 The following offense is classified as a Class I Misdemeanor:

- Permit holder not submitting to an order to secure a handgun during a contact with a peace officer or emergency services personnel.

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 21

NEBRASKA STATE PATROL

Concealed Handgun Permits

NEBRASKA ADMINISTRATIVE CODE

TITLE 272 NAC 21

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Title 272 – NEBRASKA STATE PATROL, CHAPTER 21 – Concealed Handgun Permits

001 SCOPE AND PURPOSE

001.01 These regulations are to implement the Concealed Handgun Permit Act pursuant to ~~Nebraska Revised Statutes~~ Neb. Rev. Stat. §§ 69-2432 and 69-2446, and are amended to incorporate subsequent changes made by ~~LB 97 and LB 463 passed by the 100th Legislature, First Session;~~ LB 430 passed by the 101st Legislature, First Session; ~~LB 817 passed by the 101th Legislature, Second Session;~~ and LB 807 passed by the 102nd Legislature, Second Session The ~~general~~ purpose of this act is to ~~authorize citizens of this state to obtain permits to provide for~~ Concealed Handgun Permits for those applicants who carry concealed handguns after meeting ~~meet~~ the requirements ~~of the Act.~~ for record checks and completion of approved training courses. These regulations are necessary to provide detail on the application process and the training requirements and to provide for the payment of applicable fees.

002 DEFINITIONS

002.01 ~~“Act” shall mean the Nebraska Concealed Handgun Permit Act found in Neb. Rev. Stat. §§ 69-2427 through 69-2448~~ 2449.

002.012 ~~“Calendar days” shall mean~~ the total number of days counted from a calendar ~~and shall include~~ including weekends and holidays.

002.023 ~~“CID” means the Criminal Identification Division of the NSP.~~

002.03034 ~~“Concealed handgun” shall mean totally hidden from view with no portion of the handgun visible~~ is defined by Neb. Rev. Stat. § 69-2429(1).

002.04 05 ~~“Contact with emergency services personnel” shall mean that the permit holder is provided treatment by emergency services personnel in the course of their official duties.~~

002.05 06 ~~“Contact with a peace officer” shall mean that the permit holder has been stopped, detained, questioned or addressed by a peace officer for an official purpose or in the course of his or her official duties.~~

002.06 07 ~~“Emergency services personnel” shall mean 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 (Nebraska Revised Statutes §§ 38-1201 et seq.)~~ is defined by Neb. Rev. Stat. § 69-2429(2).

002.048 ~~“Firing Range” means a location operated and maintained for public or private shooting sports and designed to keep fired rounds within the range by use of a berm or backstop.~~

~~002.08-059~~ “Handgun” shall mean any firearm with a barrel less than sixteen (16) inches in length or a firearm of any barrel length designed to be held and fired with one hand is defined by Neb. Rev. Stat. § 69-2429(3).

~~002.0610~~ “Misdemeanor crime of violence” means any misdemeanor conviction under the laws of this state that has as an element, the use or attempted use of physical force against another person, or the threatened use of a deadly weapon or deadly force. A “misdemeanor crime of violence” includes but is not limited to:

- ~~(1) A misdemeanor conviction for an attempted felony offense that is a crime of violence or for being an accessory to a felony that is a crime of violence; or~~
- ~~(2) A conviction under any of the following Neb. Rev. Stat.: assault in the third degree under § 28-310; stalking under subsection (1) of § 28-311.04; false imprisonment in the second degree under § 28-315; third degree sexual assault under subsection 28-320 (3); first offense domestic assault in the third degree under subsection (1) of section 28-323; false imprisonment in the second degree under § 28-315; or any attempt or conspiracy to commit one of these offenses; or~~
- ~~(3) any conviction from another jurisdiction that is equivalent to one of the above offenses or meets the definition of a misdemeanor crime of violence.~~

~~002.080711~~ “Nebraska State Patrol” or “Patrol” shall means the Nebraska State Patrol Concealed Handgun Permit Program when used in these regulations. The address for this program is P.O. Box 94907, Lincoln, Nebraska 689509. Any mail or documents sent to this address should be clearly marked for the Concealed Handgun Permit Program.

~~002.008912~~ “Permit” shall means a license to carry a concealed handgun ~~Concealed Handgun Permit, issued to an applicant meeting all of the requirements for a permit found in Section 005 of these regulations.~~ The Permit is the property of the ~~Nebraska State~~ Patrol.

~~002.100913~~ “Property damage” shall means a loss or harm to either real or personal property having some value to the owner. It ~~shall does~~ not include minor incidental damage caused by a firearm discharge.

~~002.12104~~ “Peace officer” shall means any is defined by Neb. Rev. Stat. § 49-801 (15). ~~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.~~

~~002.13115~~ “Posted conspicuous notice” ~~shall~~ means a clearly visible sign posted at each public entrance to a place or premises open to the public which ~~shall~~ clearly state indicates that concealed handguns are not allowed in the place or on the premises. A recommended format for the sign can be found in ~~§Section 018.04 of~~ these regulations.

~~002.126~~ “Readily discernible physical infirmity” ~~shall~~ means a visible physical impairment which interferes with the safe handling of a handgun. A person with an apparent impairment ~~must will~~ be given the opportunity to demonstrate competency ~~with respect to for~~ safe handling during the training program and will not be disqualified if the apparent impairment does not result in unsafe handling of the firearm.

~~002.1413 7~~ “Renewed permit” ~~shall~~ means a five year extension of a permit issued to a ~~holder of a~~ permit holder who applies for the extension of the permit within the four (4) months preceding the expiration of the initial permit.

~~002.15148~~ “Resident” ~~shall~~ means a person who has been a resident of this state -for at least one hundred eighty days. This does not include an applicant who -maintains a residence in another state and claims that residence for voting or tax purposes. ~~Beginning January 1, 2012, if an applicant recently moved to Nebraska 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. A different rule applies to United States Armed Forces personnel stationed in Nebraska—see Section 005.01F of these regulations;~~

~~002.16159~~ “United States Armed Forces member” ~~shall~~ means personnel of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, and members of the National Guard on active duty assignment with one of the active services. It ~~shall does~~ not include members of inactive or reserve units.

~~002.171620~~ “Weapon” ~~shall~~ means any revolver, pistol, bowie knife, dirk or knife ~~with a dirk blade attachment~~, brass or iron knuckles, and all other deadly weapons.

~~002.17821~~ “Working days” ~~shall~~ means days in which state offices are open for business, ~~and shall exclude~~ excluding weekends and holidays recognized by the State of Nebraska.

003 NON-RESIDENTS

003.01 Non-residents of the State of Nebraska are not eligible to hold or apply for a Nebraska ~~concealed handgun~~ permit.

004 RECIPROCITY WITH OTHER STATES

004.01 Permits issued by other states or the District of Columbia to persons who are not residents of Nebraska will be recognized as valid in Nebraska if they are on the list maintained and published by the Nebraska Attorney General as jurisdictions ~~issuing permits~~ using standards which are equal to or greater than those in effect in Nebraska.

004.02 Nebraska issued permits will not automatically be recognized in all states on the list of permits honored in Nebraska.

005 PERMIT ELIGIBILITY

005.01 An applicant ~~must~~will meet and maintain the following requirements:

005.01A Be at least twenty-one (21) years of age;

005.01B Not be prohibited from purchasing or possessing a handgun by federal law under 18 U.S.C. 922, as that section existed on January 1, 2005 federal, state, tribal or local laws. Verification of this requirement requires clearance from the National Instant Criminal Background Check System (NICS); ~~maintained by the Federal Bureau of Investigation. (A summary of the relevant provisions of Title 18 U.S.C. §Section 922 of Title 18 of the United States Code can be reviewed on the State Patrol web site at <http://www.statepatrol.nebraska.gov/>);~~

005.01C Not be prohibited from purchasing or possessing a handgun under state, tribal, or local laws.

005.01~~ED~~ Possess the eyesight necessary for a Class “O” operator’s license as evidenced by a valid driver’s license issued by the State of Nebraska or a driver’s license issued by any other U.S. state or territory that includes a vision test, or a comparable vision exam;

005.01~~DE~~ Not have been convicted of a felony in any jurisdiction;

005.01EF Not have been convicted of a misdemeanor crime of violence in any jurisdiction within the ten (10) years preceding the application. ~~This disqualification is limited to those misdemeanor crimes of violence where the plea or finding of guilty occurred within the ten (10) years immediately preceding the date of application.~~

005.01FG Not currently be adjudged mentally incompetent or have been found to be mentally ill and dangerous in the ~~past previous~~ ten (10) years. This prohibitor does not include a person in a mental institution for observation or evaluation such as emergency protective custody (EPC) nor a voluntary admission to a mental institution. ~~(There are no time restrictions on the disqualification for this item under federal law)~~ Federal law has no time restrictions for this disqualification, see 18 U.S.C. 922);

005.01GH ~~Current resident of the state of Nebraska having been a resident for at least the past one hundred eighty (180) days or a member of the United States Armed Forces stationed at a military installation in Nebraska pursuant to permanent duty station orders. Members of the United States Armed Forces so assigned may meet this requirement without waiting the one hundred eighty (180) days and are not excluded even if they maintain a residence in another state and claim that state for voting or tax purposes. Beginning January 1, 2012, if an applicant recently moved to Nebraska 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;~~ Be a current resident of the State of Nebraska and comply with one of the following:

- (1) Have been a resident of the State of Nebraska for at least the past one hundred eighty (180) days, or
- (2) Be a member, the spouse of a member, or someone receiving the benefits of a spouse of a member of the United States Armed Forces stationed at a military installation in Nebraska pursuant to permanent duty station orders, even though he or she has not resided in the State of Nebraska for one hundred and eighty (180) days and he or she maintains a residence in another state, or
- (3) Moved to Nebraska from another state and possess a valid permit to carry a concealed handgun issued by his or her previous state of residence that is recognized by

the State of Nebraska pursuant to Nebr. Rev. Stat. § 69-2448, even though he or she has not resided in the State of Nebraska for one hundred and eighty (180) days.

005.01HI Not have been convicted of violating any law of this state relating to firearms; or unlawful use of a weapon, or ~~controlled substances or~~ of any similar law of another jurisdiction within the ten (10) years preceding the date of application. This subdivision does not apply to any conviction under Neb. Rev. Stat. Chapter 37 of the Nebraska Revised Statutes or under any similar law of another jurisdiction, except convictions for: Hunting from Aircraft (Neb. Rev. Stat. § 37-509), Shooting at Wildlife from a Highway or Roadway (Neb. Rev. Stat. § 37-513), or Shotgun on Highway (Neb. Rev. Stat. § 37-522), or under any similar law of another jurisdiction;

005.01J Not have been convicted of violating any laws of this state relating to controlled substances or of any similar law of another jurisdiction within the ten (10) years preceding the date of application;

005.01HK Not currently be on parole, probation, house arrest, or work release for any type of offense of any degree. This disqualification does not include pre-trial diversion unless it is from a jurisdiction which requires the offender to enter a guilty plea before diversion;

005.01JL Be a citizen or a lawful permanent resident of the United States; and

005.01KM Provide proof of training.

006 APPLICATION PROCESS

006.01 Any person wishing to apply for a permit to carry a concealed handgun shall will apply to the ~~Nebraska State~~ Patrol at the ~~Criminal Identification Division~~ CID office in Lincoln or at any Troop Area Headquarters outside of Lincoln. ~~If other locations become available, locations~~ Locations will be posted on the ~~Nebraska State~~ Patrol web-site at <http://www.statepatrol.nebraska.gov/>. ~~The address for each office is as follows:~~

~~Criminal Identification Office—3800 N.W. 12th St.—Suite A—Lincoln (phone 402-471-4545)~~

~~—————Troop A Headquarters—4411 S. 108th St.—Omaha~~

~~_____ (phone 402-331-3333)~~

~~_____ Troop B Headquarters—1401 Eisenhower Avenue—Norfolk
(phone 402-370-3456)~~

~~_____ Troop C Headquarters—3431 Old Potash Highway—Grand Island
_____ (phone 308-385-6000)~~

~~_____ Troop D Headquarters—300 W. South River Road—North Platte
(phone 308-535-8047)~~

~~_____ Troop E Headquarters—4500 Avenue I—Scottsbluff
_____ (phone 308-632-1211)~~

Please call the office before coming to make an application as the office hours and days available for fingerprinting vary by location.

~~006.02 Applications forms will be available at each Troop Area Headquarters and on the Nebraska State Patrol website, at <http://www.statepatrol.nebraska.gov/>. Application forms can also be mailed from the Criminal Identification Office upon request. Applicants are advised ~~to obtain the application form in advance if possible because the form must be notarized, and notaries will not always be available at Troop Area Headquarters.~~~~

006.023 Applicants must will present a completed application form in person at the ~~Nebraska State~~ Patrol office designated for taking permit applications. Applicants must will submit the following at the time of application:

006.023A the application form;

006.023B proof of training;

006.023C proof of vision;

006.023D proof of identification;

006.023E proof of citizenship;

006.023F proof of address;

006.023G a signature; ~~and~~

006.023H the applicable fee; and

006.023I proof of a legal name change, if the name on the application does not match the applicant's name on his or her birth certificate.

006.034 At the time of application, applicants ~~must will submit to:~~

006.034A ~~submit to~~ a fingerprint scan or two sets of legible fingerprints;
~~and~~

006.034B ~~submit to~~ a photograph.; ~~and~~

006.034C ~~provide an electronic signature, if applying online.~~

006.045 Completed applications will be transmitted to the ~~Nebraska State~~
Patrol ~~Criminal Identification Division~~CID in Lincoln for processing and
permit issuance.

006.05 ~~An application form which is not complete or legible will not be processed. A
notice of deficiency will be mailed to the applicant who will have five (5)
calendar days to submit information or documents to correct the deficiency. If
the deficiency is not corrected within this time period, the application will be
returned to the applicant who may reapply.~~

~~007~~ — ~~APPLICATION FORM~~

~~007.01~~ ~~The application form will be designed by the Nebraska State Patrol and will include
the following concerning the applicant:~~

~~—— 007.01A —— full name and any previous name(s) used by applicant;~~

~~—— 007.01B —— complete address;~~

~~007.01C —— date of birth;~~

~~007.01D —— social security number — See §section 007.04 below as this number will be
solicited only on a voluntary basis;~~

~~007.01E —— motor vehicle operator's license number, state identification card number, or
military identification, if applicable;~~

~~—— 007.01F —— proof of training;~~

~~—— 007.01G —— proof of vision;~~

~~007.01H —— notarized affirmation that applicant meets all requirements for a permit and
has provided accurate information on the application; and~~

~~—— 007.01I —— signature of the applicant.; and~~

~~007.01J~~ — proof of a lawful name change, as necessary to establish the applicant's identify.

~~007.02~~ The form will include a list of all of the factors which may disqualify an applicant under either federal or state statutes and will require a disclosure of information about each of these factors by the applicant.

~~007.03~~ An application form which is not complete or legible will not be processed. A notice of deficiency will be mailed to the applicant who will have five (5) calendar days to submit information or documents to correct the deficiency. If the deficiency is not corrected within this time period, the application will be returned to the applicant who will then have to reinitiate the application process may reapply, if he or she wishes to obtain a permit.

~~007.04~~ The Nebraska State Patrol does not require disclosure of an individual's applicant's social security number, for purposes of the concealed handgun permit pursuant to the federal Federal Privacy Act of 1974. The application form will request voluntary disclosure of the social security number from applicants for the sole purpose of processing criminal history background checks to ensure proper identification of the applicant. This number is currently used in the system to assist in proper identification when there are other individuals with the same name. A permit will not be denied solely because an individual declines to disclose his or her social security number. Applications not containing a social security number may take significantly longer to process because other means may be required to ensure proper record identification.

0078 REQUIRED DOCUMENTATION

0078.01 Identification – The applicant will be required to provide **identification at the time of application consisting of** a current Nebraska motor vehicle operator's license, a Nebraska identification card issued by the Nebraska Department of Motor Vehicles, or a current military identification card.

0078.02 Vision – The applicant may show compliance with the vision requirements by presenting a current Nebraska motor vehicle operator's license **or a current driver's license issued by any other U.S. state or territory that includes a vision test**, or a current statement by a Nebraska licensed ophthalmologist or optometrist certifying that the applicant has been tested and meets the vision requirements prescribed for a Class "O" operator's license (Nebraska Revised Statutes Neb. Rev. Stat. § 60-4,118).

0078.03 Citizenship – Applicants are required to be **a citizens or a lawful permanent resident** of the United States. Proof of citizenship can be an original or certified copy of a birth certificate showing birth in the United States, a copy of naturalization papers, a Certificate of Citizenship issued by the United States Immigration authorities, **permanent resident card, Consular Report of Birth Abroad**, or a current or expired United States passport.

0078.04 Photograph – A color photograph required for the permit will be taken by the ~~Nebraska State~~-Patrol and will meet the same standard as the Nebraska Department of Motor Vehicles. The photograph ~~shall~~will display the full, front head and facial features of the applicant who ~~shall~~will not wear sunglasses, or attire that obscures a feature of the applicant’s face.

0078.05 Fingerprints – Fingerprints of the applicant will be obtained at the time of application by utilizing the LiveScan equipment of the ~~Nebraska State~~ Patrol Automated Fingerprint Identification System (AFIS) if that equipment is available at the application site. If ~~this LiveScan~~ equipment is not available, the applicant ~~shall~~will be fingerprinted on two legible fingerprint cards.

0078.06 Training – The applicant may show compliance with the training requirement by providing either the original or a certified copy of a certificate of completion of a Handgun Training and Safety Course approved by the ~~Nebraska State~~-Patrol or a qualifying military training course. ~~Requirements for the training and safety course are found in Section 022 of these regulations.—~~An applicant for a permit who is ~~certified as an instructor for the~~ Handgun Training and Safety Course certified instructor and who has ~~actually~~ taught the course, may sign ~~his or her~~ their own certificate of completion of training without attending a class taught by another instructor.

0078.07 Military Orders – Members of the United States Armed Forces who need to establish residency as specified in ~~§Section~~ 005.01F-01H of these regulations ~~must~~will provide a copy of their permanent duty station orders.

0089 PERMIT ISSUANCE PROCESS

0089.01 ~~If~~Once the application for a permit ~~to carry a concealed handgun~~ is complete and all accompanying documentation is submitted, a permit will be issued to the applicant by the ~~Nebraska State~~-Patrol within forty-five (45) calendar days, so long as the record check reveals no disqualifying information and the applicant meets all of the requirements of the Act and these regulations. ~~If the record check cannot be completed within the forty-five (45) calendar day limitation, a permit will be issued but is subject to cancellation if information is received that disqualifies the applicant.~~

0089.02 If the applicant does not meet the qualifications, they ~~applicant~~ will be notified by mail ~~by the Nebraska State Patrol~~ indicating the reason for the ~~denial~~denying issuance of the permit. Applicants who are charged with or under indictment for a crime that would be a disqualification under the Act, if convicted, will have their applications held pending resolution of the criminal charges, at which time the application will be granted or denied.

00910 FEES FOR PERMITS

0109.01 The fees for permit issuance are as follows:

Permit - \$100

Permit renewal - \$50

0109.02 ~~All~~The fees ~~shall will~~ be paid with the application ~~and shall be paid~~ in cash or check made payable to the Nebraska State Patrol, ~~or by~~ When it becomes feasible, payment may also be made with e-check, debit or credit cards, or any other payment method approved by the ~~Nebraska State~~ Patrol.

0109.03 If a permit is not issued to the applicant, the permit application fee will be refunded to the applicant less the current charge for the required state and federal criminal history record check. State of Nebraska rules require a social security number to issue a refund.

0109.04 Any fees charged by a person or entity conducting instruction in the required Handgun Training and Safety Course ~~shall be are~~ the responsibility of the applicant and are not included in the fees listed above.

0101 RENEWAL OF PERMITS

0101.01 Permit holders may renew a permit to carry a concealed handgun within the four (4) months prior to expiration of the initial permit. This may be done online or at any ~~Nebraska State~~ Patrol Troop Headquarters or office ~~provided listed~~ by the ~~patrol~~ Patrol ~~as for purposes of~~ accepting ~~such permit~~ applications.

0101.02 An application for renewal ~~must will~~ be completed by ~~the~~ permit holder affirming that ~~they~~ ~~permit holder~~ still meets all current requirements for obtaining a permit. The application ~~must will~~ be accompanied ~~with by~~ the appropriate fee. All applications for renewal will be cleared through the National Instant Criminal Background Check System (NICS) to confirm assure continuing compliance with statutory requirements. ~~The permit will be renewed and reissued within five (5) working days of receipt of the application valid for a five year period from the date of expiration of the initial permit.~~

~~011.03 A current photograph will be required with the renewal application.~~

~~0101.034 A permit holder ~~letting an initial whose~~ permit ~~becomes ineligible to renew expires before~~ without applying for a renewal, ~~will be~~ is required to apply for another initial permit and meet all ~~of~~ the requirements for an initial permit.~~

~~0101.045~~ A permit holder's application for renewal ~~shall will~~ not be denied based on ~~their permit holder's~~ first conviction for carrying concealed in a prohibited location (in violation of ~~Neb. Rev. Stat. §Section~~ 69-2441) that did not occur on property owned by the State of Nebraska or any political subdivision of the State of Nebraska, but ~~a permit holder's~~ their application for renewal may be denied for any second or subsequent such offense.

~~0101.056~~ An online renewal will cost \$50 plus a service fee and will require a credit card, debit card, or e-check. When renewing online, the Patrol may substitute on the renewal permit, a photograph of the applicant obtained from the Nebraska Department of Motor Vehicles. The Patrol may require an applicant to apply for a renewal in person at one of its offices if their most recent photograph is ten (10) years old or older, if there is an issue regarding their identity or criminal history, or if there is an issue regarding the information provided in or with the application.

0112 REVOCAION OF PERMITS

~~0112.01~~ Refer to Neb. Rev. Stat. § 69-2439. ~~Any peace officer having probable cause to believe that a permit holder is no longer in compliance with any of the requirements for a permit found in §Section 005 of these regulations shall will bring an application for revocation of the permit to the County Attorney in the county in which the permit holder resides.~~

~~012.02~~ This action is to be prosecuted as a civil case by either the County Attorney or by the Attorney General in the event the County Attorney refuses or is unable to do so. ~~Persons prosecuted under this provision are subject to revocation of their permit, an administrative fine of up to one thousand dollars (\$1,000) and the costs of prosecution.~~

~~0112.023~~ A permit ~~shall will~~ not be revoked based on the permit holder's first conviction for carrying concealed in a prohibited location (in violation of ~~Neb. Rev. Stat. §Section~~ 69-2441) that did not occur on property owned by the State of Nebraska or any political subdivision of the State of Nebraska, but a permit may be revoked for any second or subsequent such offense.

0123 RIGHTS OF PERSONS DENIED PERMITS

~~0123.01~~ Within ten (10) working days of receipt of the letter of denial, ~~P~~ persons denied a permit by the ~~Nebraska State~~ Patrol may file a request for an administrative due process hearing to review the ~~denial decision to deny the permit~~. A request ~~shall will~~ be considered timely filed if placed in the United States mail with sufficient postage, properly addressed to the Nebraska State Patrol, Concealed Handgun Permit Program, P.O. Box 94907, Lincoln, Nebraska 68509 within fourteen (14) working days of the mailing of the ~~denial~~ letter of denial to the applicant. No administrative hearing will be

afforded applicants who fail to timely file an appeal of the Patrol's denial of a permit by the Nebraska State Patrol.

0123.02 If a hearing is ~~requested held~~, it ~~shall will~~ be ~~pursuant to~~ conducted in accordance with the Nebraska Administrative Procedures Act and the ~~Nebraska State Patrol Rules and Regulations pertaining to administrative hearings under~~ (Title 272 NAC Chapter 1). The petitioner (applicant) ~~must will~~ specify through pleadings or at a prehearing conference the basis for the appeal, what aspect of the decision is being challenged.

0123.03 The scope of the hearing ~~shall will~~ include a review of the application accuracy of the information, ~~used in making the decision to deny a permit.~~

0123.04 The ~~State~~ Patrol has the burden of going forward and proceeding with evidence to show why the ~~permit~~ application was denied.

0123.05 A decision ~~shall will~~ be made by the Superintendent within fifteen (15) working days of the hearing.

0123.06 Appeals from the Superintendent's decision ~~shall may~~ be filed pursuant to Neb. Rev. Stat. § 69-2430, in the District Court of either the county in which the applicant resides or the county in which the applicant applied for a permit in accordance with the procedures set forth in the Nebraska Administrative Procedures Act.

0123.07 No hearing will be afforded ~~those failing applicants who failed~~ to successfully complete an approved training program. ~~Any disagreement with the training program should be addressed with the director of the training program. If there is reason to believe that the training program is not following the training guidelines or is misapplying the law, such allegations should be brought to the attention of the Superintendent of the Nebraska State Patrol.~~

0123.08 Any person initially denied a permit because of failure to submit proper documentation may contact the CID Identification Division of the Nebraska State Patrol to ~~determine whether~~ see if the deficiencies can be corrected, successfully eliminated prior to requesting an administrative hearing.

0123.09 Any person denied a permit based ~~upon~~ the applicant's Nebraska criminal history information which they believe to be erroneous ~~should may~~ contact the Criminal Identification Division CID of the Nebraska State Patrol to challenge ~~the accuracy of~~ the criminal history information per as authorized by Nebraska Revised Statutes Neb. Rev. Stat. § 29-3525, if it is a Nebraska record and the Federal Bureau of Investigation if the criminal history information is from another state.

~~0123.10~~ The Superintendent of the ~~Nebraska State~~ Patrol may assign delegate to a hearing officer to conduct the functions of conducting prehearing conferences and hearings; and submitting a recommended decision. The hearing officer will follow the rules of procedure as found in 272 NAC 1. The Hearing Officer shall have the duty to conduct full, fair and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of the proceeding, and to maintain order. Hearing Officers shall have the following powers:

~~013.10A~~ — To administer oaths and affirmations;

~~013.10B~~ — To issue subpoenas as authorized;

~~013.10C~~ — To compel discovery and to impose appropriate sanctions pursuant to the Nebraska Supreme Court Rules for failure to make discovery;

~~013.10D~~ — To rule upon offers of proof and receive relevant, competent and probative evidence;

~~013.10E~~ — To regulate the course of the proceedings in the conduct of the parties and their representatives;

~~013.10F~~ — To hold prehearing conferences for simplification of the issues, settlement of the proceedings, or any other proper purposes;

~~013.10G~~ — To consider and rule orally or in writing, upon all procedural and other motions appropriate in adjudicative proceedings;

~~013.10H~~ — To fix the time for holding the record open for additional evidence or for submission of briefs;

~~013.10I~~ — To exclude people from the hearing;

~~013.10J~~ — To issue recommended decisions, rulings, and orders, as appropriate;

~~013.10K~~ — To receive exhibits and testimony so as to ensure a complete and accurate record in all hearings, including those where the agency is not represented by counsel; and

~~013.10L~~ — To take any other action consistent with the purpose of the law.

~~013.11~~ — The hearing officer may, in his or her discretion, grant extensions of time or continuances of hearings upon the hearing officer's own motion or at the timely request of any party for good cause shown. A party must file a written motion for continuance within five (5) working days of the scheduled hearing or pre-hearing conference, which states in detail the reasons why a continuance is necessary and serve a copy of the motion on all other parties.

~~013.11A~~ — Good cause for an extension of time or continuance may include, but is not limited to, the following:

~~013.11B~~ — Illness of the party, legal counsel or witness;

~~013.11C~~ — A change in legal representation; or

~~013.11D~~ Pending written stipulations by either party in preparation for resolution without hearing.

~~0123.1211~~ In the event the Petitioner fails to appear for a hearing, a default disposition ~~shall~~ will be entered into the record upholding the decision of the ~~Nebraska State Patrol, in conformance with the Administrative Procedure Act.~~

0134 CHANGE OF NAME OR ADDRESS OF PERMIT HOLDER

0134.01 Permit holders who change their name or address are required to notify the ~~Nebraska State~~ Patrol Concealed Handgun Permit Program in writing within thirty (30) days of the change in name or address using the form prescribed by the ~~Nebraska State~~ Patrol.

0134.02 A permit holder may obtain a replacement permit by returning the current permit to the ~~Nebraska State~~ Patrol Concealed Handgun Permit Program and submitting ~~a written request~~ an application for a replacement permit. If the applicant still meets the requirements for a permit, the ~~Nebraska State~~ Patrol ~~shall~~ will issue a replacement permit ~~within five (5) working days of receiving the request. The replacement permit shall with~~ have the same expiration date as the initial or renewed permit.

0134.03 A permit holder may request to pick up the replacement permit in person or have it mailed.

0134.04 A permit holder moving to another state ~~shall~~ will return the permit to the ~~Nebraska State~~ Patrol Concealed Handgun Permit Program for cancellation. The permit is not valid if the permit holder is no longer a resident of Nebraska.

0134.05 A permit holder may apply online for a replacement permit. The Patrol may substitute a photograph of the applicant obtained from the Nebraska Department of Motor Vehicles. The Patrol may require an applicant for a replacement permit to apply in person at one of its offices.

0145 LOST, STOLEN OR DAMAGED PERMITS

0145.01 A permit holder whose permit is lost, stolen, or damaged ~~shall~~ will notify the ~~Nebraska State~~ Patrol in writing within ten (10) days of determining

that the permit is lost, stolen, or damaged. When notified of a lost, stolen, or damaged permit, the ~~Nebraska State~~-Patrol ~~shall will~~ cancel the permit. The permit holder ~~shall will~~ not carry a concealed handgun until the ~~Nebraska State~~-Patrol issues a replacement permit.

0145.02 A permit holder may obtain a replacement permit by submitting a ~~written request an application~~ for replacement using the form prescribed by the ~~Nebraska State~~-Patrol. The replacement form ~~shall will~~ require a statement about the facts and circumstances surrounding the “lost, stolen or damaged” permit. If the applicant still meets the requirements for a permit, the ~~Nebraska State~~-Patrol ~~shall will~~ issue a replacement permit ~~within five (5) working days of receiving the request. The replacement permit shall that will~~ have the same expiration date as the initial or renewed permit.

0145.03 A permit holder whose permit is damaged may return the damaged permit to the ~~Nebraska State~~-Patrol ~~Concealed Handgun Permit Program~~ with ~~the permit holder’s written request an application~~ for a replacement permit.

0145.04 If a peace officer seizes a permit as evidence of a violation for a criminal case or a revocation proceeding, the officer ~~shall will~~ notify the ~~Nebraska State~~-Patrol ~~Concealed Handgun Permit Program~~ immediately so that the permit will not be replaced as lost or stolen ~~upon application by the permit holder~~. A form for this purpose will be available on the ~~Nebraska State~~ Patrol website, ~~at <http://www.statepatrol.nebraska.gov/>~~.

0145.05 ~~A permit holder whose permit has been lost, stolen or damaged may apply online for a replacement permit. The Patrol may substitute a photograph of the applicant obtained from the Nebraska Department of Motor Vehicles. The Patrol may require an applicant who has had their permit lost, stolen or damaged to apply in person at one of its offices.~~

0156 REAPPLICATION AFTER DENIAL OR REVOCATION

0156.01 A new application for a permit to carry a concealed handgun will automatically be denied if received from an individual who has previously been denied a permit or whose permit has been revoked, unless the disqualification has been remedied. The ~~individual applicant~~ has the ~~burden responsibility~~ to document that the disqualification has been removed.

016.02 ~~Pursuant to section 013, an individual denied a permit may petition for an administrative hearing under the Administrative Procedures Act.~~

017 — RECORDS MAINTAINED BY STATE PATROL

~~017.01 A listing of all applicants and permit holders along with pertinent information regarding applicants and permit holders shall will be maintained by the Nebraska State Patrol. This information is confidential and is not a public record. It will be made available only to any federal, state, or local law enforcement agency agencies upon request.~~

~~017.02 The Nebraska State Patrol shall will use the system of the Nebraska Department of Motor Vehicles system to record issuance, renewal, replacement, or status changes of a permit to carry a concealed handgun permits. The Nebraska State Patrol shall will electronically transmit the permit data to the Department of Motor Vehicles, to be contained maintained on the driver record database. The information shall will include the name of the applicant, the applicant's motor vehicle operator's license number or state identification card number, the dates of issuance, the and expiration of the permit to carry a concealed handgun, and the permit number. Abstracts of court records resulting in revocation of a permit to carry a concealed handgun shall will also be transmitted by the Nebraska State Patrol to the Department of Motor Vehicles.~~

~~017.03 The Nebraska Department of Motor Vehicles shall will notify the Nebraska State Patrol when notice is received of the death of a concealed handgun permit holder.~~

0168 PROHIBITED PLACES AND PREMISES

0168.01 A permit holder may carry a concealed handgun anywhere except;

0168.01A Police, sheriff, or ~~Nebraska State~~ Patrol station or office;

0168.01B Detention facility, prison, or jail;

0168.01C Courtroom or building containing a courtroom;

0168.01D Polling place during a bona fide election;

0168.01E Meeting of the governing body of a county, public school district, municipality, or other political subdivision;

0168.01F Meeting of the Legislature or a committee of the Legislature;

- 0168.01G Financial institutions as defined by ~~Nebraska Revised Statutes~~ Neb. Rev. Stat. § 8-101(12);
- 0168.01H Professional or semi-professional athletic events;
- 0168.01I School buildings, school grounds, school-owned vehicles, or school-sponsored activity or athletic events of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in ~~Nebraska Revised Statutes~~ Neb. Rev. Stat. § 85-1603, a community college, or a public or private college, junior college, or university (see Neb. Rev. Stat. § 28-1204.04);
- 0168.01J Place of worship;
- 0168.01K Hospital, emergency room, or trauma center;
- 0168.01L Political rally or fundraiser;
- 0168.01M Establishment having a liquor license which derives over one-half of its income from the sale of alcoholic liquor;
- 0168.01N Any other place or premises where the carrying or possession of a firearm is prohibited by state or federal law; or
- 0168.01O Any place or premises or employer owned vehicle where those in control of the place, premises or vehicle have prohibited permit holders from carrying concealed handguns; ~~or~~
- ~~0168.01P Any other place or premises where handguns are prohibited by state law.~~

0168.02 A financial institution, notwithstanding ~~§Section~~ 0168.01G above, may authorize its security personnel to carry a concealed handgun while on duty so long as the security personnel have a concealed handgun permit and are in compliance with the law.

0168.03 A place of worship, notwithstanding ~~§Section~~ 0168.01J above, may authorize its security personnel to carry a concealed handgun on its property so long as the security personnel have a concealed handgun permit and are in compliance with the law. If security personnel are so authorized, written notice of such authorization must-will be given to the congregation and, if the property is leased, it must-may not be in violation of the terms of the property lease agreement between the place of worship and the lessor.

0168.04 A person, entity, or employer in control of a place ~~or premises~~ described in ~~§Section~~ 0168.01O above, which is open to the public, may prohibit permit holders from carrying concealed handguns in the place ~~or premises~~ by posting a conspicuous notice that carrying a concealed handgun is prohibited in or on the place ~~or premises~~ or by making a request, directly or through an authorized representative or management personnel, that the permit holder remove the concealed handgun from the place ~~or premises~~.

0168.05 State law does not mandate a specific requirement for a sign other than that it be conspicuously posted, however, the ~~Nebraska State~~ Patrol **strongly** suggests that a standardized format be utilized. The standardized form should contain a four (4) inch circle with a slash covering a handgun and text giving notice that carrying a concealed handgun anywhere on the premises is prohibited. A form will be available on the ~~Nebraska State~~ Patrol's website which can be downloaded for printing. The ~~Nebraska State~~ Patrol also **strongly** recommends that a place or premises wishing to prohibit concealed handguns post the sign at normal eye level at each public entrance to the place or premises. Normal eye level is considered to be between 54" and 66" from the floor.

0168.06 Except as prohibited by federal law, a permit holder may carry 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 and used by any of the places or premises listed in ~~§Section 018.01~~ above if the handgun is not removed from the vehicle and the handgun is properly secured in the vehicle before the permit holder exits the vehicle. To be properly secured in the vehicle, the handgun ~~must~~ **will** be locked inside the glove box, trunk or other compartment of the vehicle, in a storage box attached to the vehicle, or in a securely attached hardened compartment if the vehicle is a motorcycle.

0168.07 Employers may prohibit employees or other persons who are permit holders from carrying concealed handguns in vehicles owned by the employer.

0168.08 While state law does not mandate, the ~~Nebraska State~~ Patrol **strongly** recommends that any establishment having a liquor license which derives over one-half of its income from the sale of alcoholic liquor post **conspicuous notice of no concealed carry on** the premises with the standardized sign ~~as patrons will have difficulty in determining which establishments with liquor licenses exceed the income limit.~~

0179 OBLIGATIONS OF A PERMIT HOLDER

0179.01 At all times while carrying a concealed handgun, a permit holder ~~shall~~ **will** carry the following documentation and display it to any peace officer or emergency service personnel upon request:

0179.01A The concealed handgun permit; and

0179.01B Nebraska driver's license, Nebraska-issued state identification card, or military identification card.

~~0179.01C — Violation of this provision is a Class III misdemeanor for the first offense and a Class I misdemeanor for a second or subsequent offense.~~

0179.02 A permit holder carrying a concealed handgun who is officially contacted by any peace officer or emergency services personnel ~~must~~ will immediately inform the peace officer or emergency service personnel of the concealed handgun unless physically unable to do so.

0179.03 A peace officer or emergency service personnel making contact with the permit holder may determine that securing the handgun is necessary for the safety of any person present. If requested, the permit holder ~~must~~ will immediately surrender or secure the handgun for safekeeping as ordered by the peace officer or emergency service personnel until a determination has been made that there is no concern for safety and that the permit holder will not be detained for law violations or medical treatment. If the permit holder is transported for treatment by emergency service personnel, the handgun is to be turned over to a peace officer as soon as it is feasible to do so. The peace officer will provide the permit holder with a receipt for the handgun which will include make, model, caliber, and serial number.

0179.04 A permit holder ~~shall~~ will not carry a concealed handgun while consuming alcohol or while there is any previously consumed alcohol or controlled substance as defined ~~in by Nebraska Revised Statutes Neb. Rev. Stat. § 28-401 of the statutes~~ in his or her blood, urine, or breath unless the controlled substance was lawfully obtained and taken in therapeutically prescribed amounts.

0179.05 A permit holder ~~must~~ will continue to meet all of the requirements for issuance of a permit during the time he or she holds a permit. A permit holder no longer meeting the requirements for a permit is required to return the permit to the ~~Nebraska State~~ Patrol for cancellation. A permit holder who fails to return the permit is subject to the formal revocation process described in ~~Section 012 of~~ these regulations. If a permit holder dies or becomes disabled, relatives or other responsible parties are requested to return the permit to the ~~Nebraska State~~ Patrol for cancellation. Permits cannot be transferred to another person. No fees will be refunded for permits which are cancelled or revoked.

~~019.05A. A permit will not be revoked based on the permit holder's first conviction for carrying concealed in a prohibited location (in violation of Neb. Rev. Stat. §Section 69-2441) that did not occur on property owned by the State of Nebraska or any political subdivision of~~

~~the State of Nebraska. A permit holder has no obligation to return his or her permit to the Nebraska State Patrol for cancellation based on his or her first such conviction. A permit may be revoked for any second or subsequent such offense and a permit holder has an obligation to return his or her permit for cancellation based on a second or subsequent such offense.~~

0179.066 A permit holder who has a handgun or other firearm lost or stolen should notify his or her county sheriff or local police department of that fact. The ~~Nebraska State~~ Patrol shall will so inform each permit holder at the time of issuance or renewal of a permit.

01820 REPORTING INJURIES AND DAMAGE CAUSED BY FIREARM OF PERMIT HOLDER

01820.01 Any injury to a person or damage to property resulting from the discharge of a handgun carried by a permit holder must will be reported by the permit holder to the ~~Nebraska State~~ Patrol within ten (10) days of the incident. The form for making such a report will be available on the ~~Nebraska State~~ Patrol website ~~at <http://www.statepatrol.nebraska.gov/> and can be downloaded for use in complying with this requirement.~~ The report ~~will is~~ not be required for minor property damage ~~of minimal significance—see the definitions of property damage found in §Section 002.11 of these regulations.~~ A report is required for malicious damage inflicted with a handgun.

~~021~~ PROCEDURES FOR PEACE OFFICERS AND EMERGENCY SERVICE PERSONNEL ENCOUNTERING A HANDGUN

021.01 ~~Under Neb. Rev. Stat. § 69-2440, Peace peace officers or emergency services personnel may determine whether it is necessary to secure the handgun for the safety of any person present, including the peace officer or emergency service personnel, and may order the permit holder to secure or surrender the handgun.~~

021.02 ~~The handgun shall will be returned to the permit holder before the contact is ended if the peace officer or the emergency service personnel determine that there is no threat to anyone's safety and that the permit holder is physically and mentally capable of possessing the handgun.~~

021.03 ~~If emergency services personnel determine that the permit holder is not capable of possessing the handgun or if the permit holder is transported to another location for treatment, the handgun shall will be turned over to a peace officer as soon as it is feasible to do so. The peace officer shall will provide the permit holder with a receipt for the handgun which included includes the make, model, caliber, and serial number of the handgun.~~

01922 TRAINING AND SAFETY COURSE REQUIREMENTS

01922.01 When applying for a permit, an applicant for a concealed handgun permit must-will submit proof of successful completion of an approved Handgun Training and Safety Course or military documentation evidencing handgun training within the past three (3) years by a member of the active or reserve armed forces or the National Guard.

01922.02 To be approved, the training course must-will have been conducted:

01922.02A by an instructor certified by the ~~Nebraska State~~-Patrol;

01922.02B utilizing a lesson plan approved by the ~~Nebraska State~~-Patrol;
~~and~~

01922.02C after the instructor has been certified by the ~~Nebraska State~~ Patrol. ~~Any Courses-courses which were~~ taught by ~~an~~ instructors ~~before they became~~ prior to being certified ~~to teach this course under the provisions of these regulations~~ will not meet the training requirement for a permit.; ~~and~~

01922.02D within the three (3) years immediately preceding the date of application.

0203 INSTRUCTOR QUALIFICATIONS

0203.01 Before instructors will be certified to teach, ~~instructors-they must-will~~ meet and maintain the following qualifications for certification to instruct the Handgun Training and Safety Course approved curriculum:

0203.01A Be at least 21 years of age;

0203.01B Not be prohibited from purchasing or possessing a handgun by federal law under 18 U.S.C. 922, ~~as that section existed on January 1, 2005~~ federal, state or local law;

0203.01C ~~Not be prohibited from purchasing or possessing a handgun by state, tribal, or local law.~~

0203.01DC Possess the eyesight necessary for a Class "O" operator's license;

0203.01ED Not have plead guilty or nolo contendere or been convicted of a felony or crime of violence in any jurisdiction;

- 0203.01FE Not currently be adjudged mentally incompetent or have been found to be mentally ill and dangerous in the past ten (10) years;
- 0203.01GF Have had no violations of any law relating to firearms, unlawful use of a weapon, or controlled substances in Nebraska or any other jurisdiction in the past ten (10) years;
- 0203.01HG Not be on parole, probation, house arrest, or work release for any type of offense of any degree;
- 0203.01IH Be a citizen or a lawful permanent resident of the United States; and
- 0203.01JI Possess a valid and current firearms instructor certification to teach handgun courses. This can be certification either as a State of Nebraska Certified Firearms Instructor (law enforcement only), a Military Pistol Instructor, a National Rifle Association Certified Pistol Instructor, or instructor in some other program meeting the same standards for instructor certification. It is the applicant's responsibility to demonstrate their program meets the minimum standards for instructor certification. A notarized copy of the certificate of completion from the certifying entity shall be submitted to the Nebraska State Patrol.

0214 INSTRUCTOR CERTIFICATION PROCESS

- 0214.01 Persons wishing to become certified instructors for the required Handgun Training and Safety Course shall will submit an application form to the ~~Nebraska State~~ Patrol in person at one of the ~~Nebraska State~~ Patrol offices listed in ~~§Section 006.01~~ of these regulations, together with a copy of a current Firearms Purchase Certificate under Neb. Rev. Stat. §§Sections 69-2401 to 69-2409, or a current permit issued under the Concealed Handgun Permit Act, or a current Federal Firearms License issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.
- 0214.02 Instructor applicants will be required to present proof of identification, be fingerprinted and photographed, and pay the current fee for processing of a state criminal history record information check.
- 0214.03 Upon completion of the background check, instructor applicants who meet all of the requirements shall will be certified by the ~~Nebraska State~~ Patrol.

0214.04 The instructor certification is valid for a period of three (3) years unless sooner revoked. An instructor wishing to renew the instructor certification ~~shall~~will:

0214.04A submit a new application for instructor certification; and

0214.04B submit to fingerprinting and pay the fee for a new criminal history information check; ~~and~~.

0214.05 Upon verification that the firearm safety instructor meets the qualifications for an instructor, the ~~Nebraska State~~-Patrol ~~shall~~will renew the registration of the ~~firearm safety~~-instructor and notify the instructor ~~he/she continues to meet the requirements to be a Handgun Training and Safety Course instructor~~.

0214.06 Failure to maintain the requirements set out in ~~§Section 023 of the rules and these~~ regulations or failure to abide by the rules and regulations ~~shall is be~~-cause for ~~the~~-revocation of the firearms safety instructor's certification by the ~~Nebraska State~~-Patrol.

0214.07 Upon remedy of the reason(s) for revocation of the instruction certification, a new application may be submitted to the ~~Nebraska State~~-Patrol. An instructor whose certificate is revoked ~~shall~~will not teach the Handgun Training and Safety Course nor advertise that an approved program is taught.

0225 HANDGUN TRAINING AND SAFETY COURSE INSTRUCTOR OBLIGATIONS

0225.01 An instructor ~~shall~~will notify the ~~Nebraska State~~-Patrol in writing within ten (10) days of any change of ~~an instructor's~~their name, business name, address, or telephone number.

0225.02 For each individual who receives instruction in the Handgun Training and Safety Course, the instructor ~~shall~~will complete a class information form containing the following minimum information and submit it to the ~~Nebraska State~~-Patrol within fifteen (15) days of completion of the training:

0225.02A Full name, gender, age, and date of birth of the individual taking the course at the time training commenced;

0225.02B Student's complete address, phone number, and driver's license or Nebraska identification card number;

0225.02C Student's written test scores and shooting qualification scores;

0225.02D Dates and number of hours of each training session;

- 0225.02E Physical location of each training session;
- 0225.02F Name of each instructor and ~~name of~~ any assistant or co-instructor conducting the training sessions;
- 0225.02G Whether the individual passed, failed, or withdrew from the program; and
- 0225.02H A copy of all training materials, practical exercises, tests and class records. It is not necessary, ~~however,~~ to repeatedly submit identical copies of training materials. If part of the materials are identical to those previously submitted, the instructor ~~shall will~~ so note when submitting class records.

0225.03 The ~~Nebraska State~~-Patrol ~~would prefer, but does not require,~~ that the required class records be submitted electronically. If instructors are not able to submit electronically, paper copies ~~must will~~ be ~~submitted~~accepted.

0236 TRAINING COURSE ADMINISTRATION

0236.01 The instructor or entity providing training ~~shall will~~ provide the ~~Nebraska State~~-Patrol a schedule of planned courses, to include the date, time and location of each course, a minimum of ten (10) days prior to the start of the course. Exceptions may be made at the discretion of the ~~Nebraska State~~ Patrol ~~on a case by case basis~~.

0236.02 The Handgun Training and Safety Course ~~shall will~~ be of sufficient length to cover all course materials as approved by the ~~Nebraska State~~-Patrol.

0236.03 All training ~~must will~~ be conducted in person by an instructor certified by the ~~Nebraska State~~-Patrol. Videotapes of the instructor instructing, and distance learning are not acceptable. This does not preclude the use of multi-media to enhance learning.

0236.04 Range training will be live fire exercises and will be conducted at a firing range. ~~A firing range means a location operated and maintained for public or private shooting sports and designed to keep fired rounds within a berm or backstop.~~

0236.05 A maximum of 25 students per class will be allowed.

0236.06 Instructor to student ratios:

Classroom - 1 instructor to 25 students

Range/practical exercises - 1 instructor to 5 students

Instructors are encouraged, ~~but not required~~, to have a secondary Range Safety Officer present with the instructor during the live fire exercises.

0236.07 The instructor ~~shall~~ will provide each student with the following:

0236.07A ~~O~~An outline of the material instructed;~~;~~

0236.07B ~~C~~A current copy of the Concealed Handgun Permit Act;~~;~~

0236.07C ~~C~~A current copy of the Concealed Handgun Permit Act Rules and Regulations;~~;~~ and

0236.07D Printed information on how and where to apply for the ~~c~~Concealed ~~h~~Handgun ~~p~~Permit.

0236.08 The ~~Nebraska State~~ Patrol may attend any Handgun Training and Safety Course presented for the purposes of auditing the content of the instruction. In order to enhance knowledge of the content of this training course, instructors are encouraged to invite local law enforcement officers and emergency service personnel to monitor courses they ~~are~~ teaching.

0236.09 Upon completion of the Handgun Training and Safety Course, the instructor ~~shall~~ will issue a certificate of completion to each student who passes the course. The certificate of completion ~~shall~~ will be on the form provided by the ~~Nebraska State~~ Patrol and ~~shall~~ will contain the following information:

- 1) ~~I~~nstructor's printed name;~~;~~
- 2) ~~I~~nstructor's signature;~~;~~
- 3) ~~C~~ourse location;~~;~~
- 4) ~~C~~ourse date;~~;~~
- 5) ~~S~~tudent's name;~~;~~
- 6) ~~S~~tudent's driver's license or Nebraska identification card number;~~;~~
- 7) ~~S~~tudent's fingerprint from his or her right index finger;~~;~~
- 8) ~~S~~a statement concluding the student has met the course requirements; and
- 9) ~~S~~a statement concluding the ~~student person completing the course~~ does not suffer from a readily discernible physical infirmity that prevents the person from safely handling a handgun.

0247 TRAINING COURSE CONTENT

0247.01 The instructor of a Handgun Training and Safety Course is required to provide a Handgun Training and Safety Course Lesson Plan to ~~Nebraska~~

~~State~~the Patrol. Before it can be used, the Lesson Plan ~~must~~will meet the minimum standards for the course and be approved by the ~~Nebraska State~~ Patrol. Significant deviation from a lesson plan is unacceptable and ~~will~~may result in the revocation of the instructor's certification. Additionally, deviations may result in rejection of student's permit application.

0247.02 The following will be the minimum information instructed to the participants of any Handgun Training and Safety Course. ~~Any training above and beyond the Lesson Plan is the sole responsibility of the instructor.~~ An instructor may supplement the Lesson Plan but may not teach material which is inconsistent with the plan.

0247.03 The minimum safety and training requirements for a Handgun Training and Safety Course ~~shall~~include, but are not ~~be~~limited to:

0247.03A Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation;

0247.03B Knowledge of operation and safe handling of a handgun;

0247.03C Knowledge of and safe handling of handgun ammunition;

0247.03D Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child;

0247.03E Safe handgun shooting fundamentals;

0247.03F Knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns; and

0247.03G 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.;

0247.04 Applicants ~~must~~will demonstrate competency in handling and shooting a handgun with respect to the minimum safety and training requirements.;

0247.04A Students ~~shall~~will complete practical exercises which include practice shooting on the range. These exercises will include but are not limited to the following.;; drawing and firing drills, precision shooting drills, and decision making (shoot/don't

shoot) drills. The number of rounds to be fired in practice by each student will be determined by the instructor.

0247.04B The ~~Nebraska State~~-Patrol ~~shall will~~ set the qualification course for the demonstration of competency. The course ~~shall will~~ be 30 rounds with varying distances. The target used ~~shall will~~ be the FBI “Q” target. A score of 70 percent ~~will beis~~ the minimum to demonstrate competency. Participants in the Handgun Training and Safety Course will be allowed three attempts to demonstrate competency, ~~meeting the minimum standards.~~

0247.04C Qualification Course

<u>Distance</u>	<u>Number of Rounds</u>	<u>Time limit</u>
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3 feet	Six (6)	N/A
** Two rounds per command to fire. One (1) repetition must will be from a concealed draw**		

9 feet	Twelve (12)	N/A
** Two rounds per command to fire. Three (3) repetitions must will be from a concealed draw**		

15 feet	Six (6)	N/A
** Two rounds per command to fire. One (1) repetition must will be from a concealed draw**		

21 feet	Six (6)	N/A
** Two rounds per command to fire. One (1) repetition must will be from a concealed draw**		

0247.05 Applicants ~~must will~~ take a written test consisting of a minimum of 30 questions. The ~~Nebraska State~~-Patrol will provide the test questions. A score of 70 percent ~~will beis~~ the minimum passing score.

0258 PENALTIES

0258.01 Under Neb. Rev. Stat. § 69-2430(2) An-an applicant for a concealed handgun permit who provides false information or offers false evidence of his or her identity is guilty of a Class IV felony and is subject to a ~~revocation~~ of the permit in a ~~formal~~-civil prosecution.

0258.02 Under Neb. Rev. Stat. § 69-2443 A-a permit holder who fails to carry the required documents when carrying a handgun or who fails to inform of the presence of a handgun when officially contacted by a peace officer or by

emergency services personnel is guilty of a Class III misdemeanor for the first offense and a Class I misdemeanor for any second or subsequent offense and is subject to a revocation of the permit in a formal civil prosecution.

0258.03 The following offenses are classified as Class III Misdemeanors for the first offense and as Class I Misdemeanors for the second or subsequent offense:

- Permit holder carrying a concealed handgun into a prohibited place or premises. ~~(See § 018 in the regulations or Neb. Rev. Stat. § 69-2441 in the statutes.)~~
- Permit holder carrying a concealed handgun while consuming alcohol. ~~(See § 019.04 in the regulations or Neb. Rev. Stat. § 69-2441(5) in the statutes.)~~
- Permit holder carrying a concealed handgun while having ~~previously consumed~~ alcohol or any controlled substance (except therapeutically prescribed amounts of legal substances) remaining in their blood, urine, or breath. ~~(See § 019.04 in the regulations or Neb. Rev. Stat. § 69-2441(5) in the statutes.)~~
- Permit holder failing to file a report with the ~~Nebraska State~~ Patrol following an injury to a person or damage to property caused by the discharge of a concealed handgun carried by the permit holder. ~~(See § 020.01 in the regulations or Neb. Rev. Stat. § 69-2442 in the statutes.)~~

0258.04 The following offense is classified as a Class I Misdemeanor:

- Permit holder not submitting to an order to secure a handgun during a contact with a peace officer or emergency services personnel. ~~(See § 019.03 in the regulations or Neb. Rev. Stat. § 69-2440(3) in the statutes.)~~

~~028.05 Violators are also subject to revocation of their concealed handgun permit, except that a permit will not be revoked based on the permit holder's first conviction for carrying concealed in a prohibited location (in violation of Neb. Rev. Stat. § Section 69-2441) that did not occur on property owned by the State of Nebraska or any political subdivision of the State of Nebraska, but a permit may be revoked for any second or subsequent such offense.~~