

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; 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.

APPROVED

JUL 14 2022

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- 002.07 “Nebraska State Patrol” or “Patrol” 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 68509. Any mail or documents sent to this address should be clearly marked for the Concealed Handgun Permit Program.
- 002.08 “Permit” means a Concealed Handgun Permit. The Permit is the property of the Patrol.
- 002.09 “Property damage” means 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” means 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” means 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” means 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” 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;
- 002.15 “United States Armed Forces member” 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 does not include members of inactive or reserve units.
- 002.16 “Weapon” means 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 Neb. Rev. § 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.

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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.

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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.

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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 Nebraska State Patrol, 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.

APPROVED

JUL 14 2022

bp

Pete Beahm
PETE BEAHM
GOVERNOR



APPROVED
DOUGLAS J. PETERSON
ATTORNEY GENERAL

JUN 16 2022

BY *[Signature]*
ASSISTANT ATTORNEY GENERAL