NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 21

NEBRASKA STATE PATROL

Concealed Handgun Permits

Issue Date: July 3, 2012

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 §§ 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 carry concealed handguns after meeting the requirements 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 Nebraska Revised Statutes §§ 69-2427 through 69-2448.

002.02 "Calendar days" shall mean the total number of days counted from a calendar and shall include weekends and holidays.

002.03 "Concealed handgun" shall mean totally hidden from view with no portion of the handgun visible.

002.04 "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 "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 "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.).

002.07 "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.

002.08 "Nebraska State Patrol" shall 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 69509. Any mail or documents sent to this address should be clearly marked for the Concealed Handgun Permit Program.

002.09 "Permit" shall mean a license to carry a concealed handgun 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.

002.10 "Property damage" shall mean a loss or harm to either real or personal property having some value to the owner. It shall not include minor incidental damage caused by a firearm discharge.

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

002.12 "Peace officer" shall mean any town marshal, chief of police or local police officer, sheriff or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, any officer of the Nebraska State Patrol, any member of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder, any Game and Parks Commission conservation officer, and all other persons with similar authority to make arrests.

002.13 "Posted conspicuous notice" shall mean a clearly visible sign posted at each public entrance to a place or premises open to the public which shall clearly state 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.

002.14 "Renewed permit" shall mean a five year extension of a permit issued to a holder of a permit who applies for the extension of the permit within the four (4) months preceding the expiration of the initial permit.

002.15 "Resident" shall 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. 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;

002.16 "United States Armed Forces member" shall 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 shall not include members of inactive or reserve units.

002.17 "Weapon" shall mean any revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, and all other deadly weapons.

002.18 "Working days" shall mean days in which state offices are open for business and shall exclude 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 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 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 18 U.S.C. 922 as that section existed on January 1, 2005. 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 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 Possess the eyesight necessary for a Class "O" operator's license;

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

Deleted:

005.01E Not have been convicted of a misdemeanor crime of violence in any jurisdiction. 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.

005.01F Not currently be adjudged mentally incompetent or have been found to be mentally ill and dangerous in the past 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 18 U.S.C. 922);

005.01G 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;

005.01H Not have been convicted of violating any law of this state relating to firearms, 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 Chapter 37 of the Nebraska Revised Statutes or under any similar law of

another jurisdiction, except convictions for: Hunting from Aircraft (§ 37-509), Shooting at Wildlife from a Highway or Roadway (§ 37-513), or Shotgun on Highway (§ 37-522), or under any similar law of another jurisdiction;

005.01I 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;

005.01J Be a citizen of the United States; and

005.01K Provide proof of training.

006 APPLICATION PROCESS

006.01 Any person wishing to apply for a permit to carry a concealed handgun shall 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 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 web-site 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.

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

006.03A the application form;

006.03B proof of training;

006.03C proof of vision;

006.03D proof of identification;

006.03E proof of citizenship;

006.03F proof of address;

006.03G a signature; and

006.03H the applicable fee.

006.04 At the time of application, applicant must submit to:

006.04A a fingerprint scan or two sets of legible fingerprints; and

006.04B a photograph.

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

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 applicant.

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.

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 if he or she wishes to obtain a permit.

007.04 The Nebraska State Patrol may not require disclosure of an individual's social security number for purposes of the concealed handgun permit pursuant to the 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. 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.

008 REQUIRED DOCUMENTATION

008.01 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.

008.02 Vision – The applicant may show compliance with the vision requirements by presenting a current Nebraska motor vehicle operator's license 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 § 60-4,118).

008.03 Citizenship – Applicants are required to be citizens 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, or a current or expired United States passport.

008.04 Photograph – A color photograph required for the permit will be taken by the Nebraska State Patrol. The photograph shall display the full, front head and facial features of the applicant who shall not wear sunglasses or attire that obscures a feature of applicant's face.

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

008.06 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 and who has actually taught the course may sign his or her own certificate of completion of training without attending a class taught by another instructor.

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

009 PERMIT ISSUANCE PROCESS

009.01 If 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 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.

009.02 If applicant does not meet the qualifications, the applicant will be notified by mail by the Nebraska State Patrol indicating the reason for denying issuance of the permit.

010 FEES FOR PERMITS

010.01 The fees for permit issuance are as follows:

Permit - $100

Permit renewal - $50

010.02 The fee shall be paid with the application and shall be paid in cash or check made payable to the Nebraska State Patrol. When it becomes feasible, payment may also be made with debit or credit cards approved by the Nebraska State Patrol.

010.03 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.

Deleted:

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

011 RENEWAL OF PERMITS

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

011.02 An application for renewal must be completed by permit holder affirming that the permit holder still meets all current requirements for obtaining a permit. The application must be accompanied with the appropriate fee. All applications for renewal will be cleared through the National Instant Criminal Background Check System (NICS) to 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.

011.04 A permit holder letting an initial permit expire without applying for a renewal will be required to apply for another initial permit and meet all of the requirements for an initial permit.

011.05 A permit holder's application for renewal shall not be denied based on the permit holder's first conviction for carrying concealed in a prohibited location (in violation of 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 application for renewal may be denied for any second or subsequent such offense

012 REVOCATION OF PERMITS

012.01 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 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 pursue the prosecution. 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.

012.03 A permit shall not be revoked based on the permit holder's first conviction for carrying concealed in a prohibited location (in violation of 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.

013 RIGHTS OF PERSONS DENIED PERMITS

013.01 Within ten (10) working days of receipt of the letter of denial, persons denied a permit by the Nebraska State Patrol may file a request for an administrative due process hearing to review the decision to deny the permit. A request shall 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 letter of denial to the applicant by the Nebraska State Patrol.

013.02 If a hearing is requested, it shall be held pursuant to the Nebraska Administrative Procedures Act and the Nebraska State Patrol Rules and Regulations pertaining to administrative hearings (Title 272 - Chapter 1). The petitioner (applicant) must specify through pleadings or at a prehearing conference what aspect of the decision is being challenged.

013.03 The scope of the hearing shall include a review of the accuracy of the information used in making the decision to deny a permit.

013.04 The State Patrol has the burden of going forward with evidence to show why the permit application was denied.

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

013.06 Appeals from the Superintendent's decision shall be filed 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.

013.07 No hearing will be afforded those failing 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.

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

013.09 Any person denied a permit based upon criminal history information which they believe to be erroneous should contact the Identification Division of the Nebraska State Patrol to challenge the accuracy of the criminal history information as authorized by Nebraska Revised Statutes § 29-3525 if it is a Nebraska record and the Federal Bureau of Investigation if the criminal history information is from another state.

013.10 The Superintendent of the Nebraska State Patrol may delegate to a hearing officer the functions of conducting prehearing conferences and hearings, and submitting a recommended decision. 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.

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

014 CHANGE OF NAME OR ADDRESS OF PERMIT HOLDER

014.01 Permit holders who change 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.

014.02 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 for a replacement permit. If the applicant still meets the requirements for a permit, the Nebraska State Patrol shall issue a replacement permit within five (5) working days of receiving the request. The replacement permit shall have the same expiration date as the initial or renewed permit.

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

014.04 A permit holder moving to another state shall 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.

015 LOST, STOLEN OR DAMAGED PERMITS

015.01 A permit holder whose permit is lost, stolen, or damaged shall 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 cancel the permit. The permit holder shall not carry a concealed handgun until the Nebraska State Patrol issues a replacement.

015.02 A permit holder may obtain a replacement permit by submitting a written request for replacement using the form prescribed by the Nebraska State Patrol. The replacement form shall 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 issue a replacement permit within five (5) working days of receiving the request. The replacement permit shall have the same expiration date as the initial or renewed permit.

015.03 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 for a replacement permit.

015.04 If a peace officer seizes a permit as evidence of a violation for a criminal case or a revocation proceeding, the officer shall 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 web-site at http://www.statepatrol.nebraska.gov/.

016 REAPPLICATION AFTER DENIAL OR REVOCATION

016.01 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 has the burden 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 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 upon request.

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

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

018 PROHIBITED PLACES AND PREMISES

018.01 A permit holder may carry a concealed handgun anywhere except:

018.01A Police, sheriff, or Nebraska State Patrol station or office;

018.01B Detention facility, prison, or jail;

018.01C Courtroom or building containing a courtroom;

018.01D Polling place during a bona fide election;

018.01E Meeting of the governing body of a county, public school district, municipality, or other political subdivision;

018.01F Meeting of the Legislature or a committee of the Legislature;

018.01G Financial institutions as defined by Nebraska Revised Statutes § 8-101(12);

018.01H Professional or semi-professional athletic event;

018.01I School building, school grounds, school-owned vehicle, or school-sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in Nebraska Revised Statutes § 85-1603, a community college, or a public or private college, junior college, or university;

018.01J Place of worship;

018.01K Hospital, emergency room, or trauma center;

018.01L Political rally or fundraiser;

018.01M Establishment having a liquor license which derives over one-half of its income from the sale of alcoholic liquor;

018.01N Any place where the carrying or possession of a firearm is prohibited by state or federal law;

018.01O 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

018.01P Any other place or premises where handguns are prohibited by state law.

018.02 A financial institution, notwithstanding Section 018.01G 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.

018.03 A place of worship, notwithstanding Section 018.01J 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 be given to the congregation and, if the property is leased, it must not be in violation of the terms of the property lease agreement between the place of worship and the lessor.

018.04 A person, entity, or employer in control of a place or premises described in Section 018.01O 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.

018.05 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 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.

018.06 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 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.

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

018.08 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 the premises with the standardized sign as patrons will have difficulty in determining which establishments with liquor licenses exceed the income limit.

019 OBLIGATIONS OF A PERMIT HOLDER

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

019.01A The concealed handgun permit; and

019.01B Nebraska driver's license, Nebraska-issued state identification card, or military identification card.

019.01C Violation of this provision is a Class III misdemeanor for the first offense and a Class I misdemeanor for a second or subsequent offense.

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

019.03 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 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

019.04 A permit holder shall not carry a concealed handgun while consuming alcohol or while there is any previously consumed alcohol or controlled substance as defined in Nebraska Revised Statutes § 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.

019.05 A permit holder must 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 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.

019.06 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 Nebraska State Patrol shall so inform each permit holder at the time of issuance or renewal of a permit.

020 REPORTING INJURIES AND DAMAGE CAUSED BY FIREARM OF PERMIT HOLDER

020.01 Any injury to a person or damage to property resulting from the discharge of a handgun carried by a permit holder must 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 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 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 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 be turned over to a peace officer as soon as it is feasible to do so. The peace officer shall provide the permit holder with a receipt for the handgun which included the make, model, caliber, and serial number of the handgun.

022 TRAINING AND SAFETY COURSE REQUIREMENTS

022.01 When applying for a permit, an applicant for a concealed handgun permit must 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.

022.02 To be approved, the training course must have been conducted:

022.02A by an instructor certified by the Nebraska State Patrol;

022.02B utilizing a lesson plan approved by the Nebraska State Patrol; and

022.02C after the instructor has been certified by the Nebraska State Patrol. Courses which were taught by instructors before they became certified to teach this course under the provisions of these regulations will not meet the training requirement for a permit.

022.02D within the three (3) years immediately preceding the date of application.

023 INSTRUCTOR QUALIFICATIONS

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

023.01A Be at least 21 years of age;

023.01B Not be prohibited from purchasing or possessing a handgun by 18 U.S.C. 922 as that section existed on January 1, 2005;

023.01C Possess the eyesight necessary for a Class "O" operator's license;

023.01D Not have plead guilty or nolo contendere or been convicted of a felony or crime of violence in any jurisdiction;

023.01E Not currently be adjudged mentally incompetent or have been found to be mentally ill and dangerous in the past ten (10) years.

023.01F 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;

023.01G Not be on parole, probation, house arrest, or work release for any type of offense of any degree.

023.01H Be a citizen of the United States; and

023.01I Possess a valid 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. A notarized copy of the certificate of completion from the certifying entity shall be submitted to the Nebraska State Patrol.

024 INSTRUCTOR CERTIFICATION PROCESS

024.01 Persons wishing to become certified instructors for the required Handgun Training and Safety Course shall 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.

024.02 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.

024.03 Upon completion of the background check, instructor applicants who meet all of the requirements shall be certified by the Nebraska State Patrol.

024.04 The instructor certification is valid for a period of three years unless sooner revoked. An instructor wishing to renew the instructor certification shall:

024.04A submit a new application for instructor certification;

024.04B submit to fingerprinting and pay the fee for a new criminal history information check; and

024.05 Upon verification that the firearm safety instructor meets the qualifications for an instructor, the Nebraska State Patrol shall 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.

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

024.07 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 not teach the Handgun Training and Safety Course nor advertise that an approved program is taught.

025 HANDGUN TRAINING AND SAFETY COURSE INSTRUCTOR OBLIGATIONS

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

025.02 For each individual who receives instruction in the Handgun Training and Safety Course, the instructor shall 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:

025.02A Full name, gender, age, and date of birth of the individual taking the course at the time training commenced;

025.02B Student's complete address, phone number, and driver's license or Nebraska identification card number;

025.02C Student's written test scores and shooting qualification scores;

025.02D Dates and number of hours of each training session;

025.02E Physical location of each training session;

025.02F Name of each instructor and name of any assistant or co-instructor conducting the training sessions;

025.02G Whether the individual passed, failed, or withdrew from the program; and

025.02H 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 so note when submitting class records.

025.03 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 be submitted.

026 TRAINING COURSE ADMINISTRATION

026.01 The instructor or entity providing training shall 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.

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

026.03 All training must 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.

026.04 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.

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

026.06 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.

026.07 The instructor shall provide each student with the following:

026.07A An outline of the material instructed,
026.07B A current copy of the Concealed Handgun Permit Act,
026.07C A current copy of the Concealed Handgun Permit Act Rules and Regulations, and
026.07D Printed information on how and where to apply for the Concealed Handgun Permit.

026.08 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.

026.09 Upon completion of the Handgun Training and Safety Course, the instructor shall issue a certificate of completion. The certificate of completion shall be on the form provided by the Nebraska State Patrol and shall 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) a statement the student has met the course requirements
9) a statement the person completing the course does not suffer from a readily discernible physical infirmity that prevents the person from safely handling a handgun.

027 TRAINING COURSE CONTENT

027.01 The instructor of a Handgun Training and Safety Course is required to provide a Handgun Training and Safety Course Lesson Plan to Nebraska State Patrol. Before it can be used, the Lesson Plan must 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 result in the revocation of the

instructor's certification. Additionally, deviations may result in rejection of student's permit application.

027.02 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.

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

027.03A Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation;

027.03B Knowledge and safe handling of a handgun;

027.03C Knowledge and safe handling of handgun ammunition;

027.03D Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child;

027.03E Safe handgun shooting fundamentals;

027.03F Knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns;

027.03G 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;

027.04 Applicants must demonstrate competency in handling and shooting a handgun with respect to the minimum safety and training requirements;

027.04A Students shall 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.

027.04B The Nebraska State Patrol shall set the qualification course for the demonstration of competency. The course shall be 30

rounds with varying distances. The target used shall be the FBI "Q" target. A score of 70 percent will be 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.

027.04C Qualification Course

Distance	Number of Rounds	Time limit
3 feet	Six (6)	N/A
** Two rounds per command to fire. One (1) repetition must be from a concealed draw**		
9 feet	Twelve (12)	N/A
** Two rounds per command to fire. Three (3) repetitions must be from a concealed draw**		
15 feet	Six (6)	N/A
** Two rounds per command to fire. One (1)) repetition must be from a concealed draw**		
21 feet	Six (6)	N/A
** Two rounds per command to fire. One (1) repetition must be from a concealed draw**		

027.05 Applicants must 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 be the minimum passing score.

028 PENALTIES

028.01 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.

028.02 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.

028.03 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 §69-2441 in the statutes).

- Permit holder carrying a concealed handgun while consuming alcohol. (See § 019.04 in the regulations or §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) in their blood, urine, or breath. (See § 019.04 in the regulations or § 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 §69-2442 in the statutes.)

028.04 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 § 69-2440(3) in the statutes.)

028.05 Violators are also subject to revocation of the 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 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.