

Handgun Purchase Certificate

In order to purchase, lease, rent, or receive transfer of a handgun a person must obtain a handgun purchase certificate. This certificate can be obtained through the office of the police chief or sheriff of the purchaser's place of residence. The application fee is \$5.00 and denial or approval is received with in 48 hours of the application.

Licensed firearms dealers, law enforcement agencies, temporary transfers, and transfers between spouses, siblings, parents, and other family members do not require a purchase certificate.

Concealed Handgun Q & A

Where can I apply for a concealed handgun permit?

You must apply in person at one of the Nebraska State Patrol Troop Area offices or at the Criminal Identification Division of the State Patrol. The addresses are as follows: Criminal Identification Office - 3800 NW 12th Street, Suite A- Lincoln; Troop A Headquarters - 4411 S. 108th St. - Omaha; Troop B Headquarters - 1401 Eisenhower Avenue - Norfolk; Troop C Headquarters - 3431 Old Potash Highway - Grand Island; Troop D Headquarters - 300 W. South River Road - North Platte; Troop E Headquarters - 4500 Avenue I - Scottsbluff.

Please check with the office you are planning to visit as days and hours of availability vary. Some offices do not always have staff available for fingerprinting and notarizing applications.

When can I apply for a concealed handgun permit?

Applications can be submitted beginning January 3, 2007.

How much does a permit cost?

The fee for the permit is \$100 for an initial permit which is good for a five year period and \$50 for a renewal. You will also be required to pay for the cost of a training course.

What will I need to take with me when I apply for a permit?

You will need the completed and notarized application form, proper identification, proof of training, valid proof of citizenship, proof of vision, and the permit fee. These documents are explained more in the following questions.

Where do I get an application form?

We suggest that you download a copy of the application form for a permit from our website so that you can have it filled out and notarized before you come in to submit your application. The permit application can be accessed through the Quick Links on the main concealed carry page. If you are unable to print a copy in advance, you can request a copy at the application site. Notaries will not always be available at all

application sites. You can also call 402-479-4971 and ask for the Criminal Identification Division to request that a copy be mailed to you.

What will I need for identification when I apply?

You will be required to provide valid 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.

What do I need for proof of training?

You 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. If you are a member of the active or reserve armed forces or member of the National Guard, you may meet this requirement with documentation that you have completed handgun training within the previous three (3) years, which meets the minimum safety and training requirements for the Handgun Training and Safety Course approved by the Nebraska State Patrol.

Should I take my handgun when I apply for a permit?

No. Your handgun is not needed for the application process and carrying it concealed without a permit may be a violation of the law.

What documentation will I need for proof of citizenship?

Valid proof of citizenship can be an original or certified copy of a state issued 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.

How do I prove my vision meets the requirements?

You 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 you have been tested and meet the vision requirements prescribed for a Class "O" operator's license.

If I am not sure of a question on the application, should I guess at the answer?

No. You must be sure of answers you provide on the application form. The Legislature has made providing false information on the application or false evidence of identity a Class IV felony.

How long is the permit valid?

Your permit will be valid for five years and it can be renewed for five years. The form for initial application of a permit can be used to request a renewal. Permit holders will not be required to retake a certified training course if their permit is renewed before it

expires. Permit holders who allow their permits to expire, will be required to retake a certified training course.

How do I renew my permit?

You will need to go through the same process as you would if you were an initial applicant, including being fingerprinted and filling out the same initial application. The only differences are that the fee is only \$50.00, you do not need to provide proof of citizenship (since we already have it), and you do not need a new training certificate.

How long does it take to get a permit?

Applications submitted to Troop Area offices will be promptly forwarded to the Criminal Identification Division for processing. State and local records will be checked before a federal record check is requested. If you have met all of the requirement and submitted the required documentation, the permit will be issued within 45 days after you apply.

Will I be required to undergo a background check to get a permit?

State and federal records will be checked for all applicants. In addition, when an application for a permit to carry a concealed handgun is received by the Nebraska State Patrol, data concerning the application and a request for information will be transmitted to the Sheriff in the county of residence and the Chief of Police in the city or nearest city of residence of the applicant. This request will be transmitted electronically whenever feasible and will ask for local records and other information having a direct bearing on whether or not the applicant meets the qualifications for a permit.

Who keeps all of the information I am required to submit to obtain a permit and is it a public record?

A listing of all applicants and permit holders along with pertinent information obtained in processing your application will be maintained by the Nebraska State Patrol. This information is confidential and is not a public record. It will be made available only to any federal, state, or local law enforcement agency upon request. The Nebraska State Patrol will electronically transmit information concerning permit status to the Department of Motor Vehicles to be contained on the driver's license abstract.

Do I have to get a permit before I take a training course?

No, you are required to complete an approved training course prior to applying for a permit.

I have already had a training course; do I need to take another one?

The law requires that you complete an **approved** training course within the three years prior to making application for a permit. However, the law also requires that an instructor must be certified by the Nebraska State Patrol to teach the course before they actually teach it. Instructors began to seek certification in November of 2006. A course you take today from a certified instructor can be used to meet the requirements for a permit anytime within the next three years. A different rule applies to military training - see that question below.

How can I find a certified instructor?

All certified instructors will be posted on the Nebraska State Patrol website along with their contact information. You can access the Conceal Carry webpage through the NSP homepage. You will need to contact the instructor to obtain a schedule for upcoming classes.

How do I know the instructor for a class I want to take is properly certified?

Instructors who have been certified by the Nebraska State Patrol to teach the Handgun and Safety Course required for a concealed handgun permit will be listed on the Conceal Carry page of the Nebraska State Patrol website. You can also ask to see their certificate evidencing approval by the Nebraska State Patrol.

How long is a training course and how much will it cost?

The length of the training courses will vary with each instructor. Certain topics must be included in each class and a live fire exercise must be completed at a firing range. Some instructors will choose to include additional material to supplement the statutorily required topics. Courses will normally last from 8 to 16 hours but there is no required length. The cost of the training will be determined by each instructor and will vary with the length of the course. Make sure you ask about the fee when you contact an instructor for class information.

Is the training cost part of the permit fee?

No. The cost of the training is not part of the permit fee. Training costs are paid directly to the instructor.

Will my military training course meet the training requirements for a permit?

Military training you have had within the last three years will meet the requirements for the training course if the course meets the minimum safety and training requirements set forth in section 027 of the regulations and in section 69-2432 of the statutes. Unlike the course required for other applicants, the military course does not need to be certified by the Nebraska State Patrol but it must meet all of the requirements. Very few, if any, military courses cover the topics required by state statutes. If you believe that a military course you have taken meets all of the requirements, submit the curriculum and evidence of successful completion to NSP for a review.

How can I become an instructor?

Instructors must meet many of the same requirements as a permit holder but are not required to have a concealed handgun permit. An application form is required for

instructors which can be found on the Nebraska State Patrol website. Instructors are also required to be certified to teach handgun courses by another recognized certifying agency such as the National Rifle Association. If you are interested in becoming an instructor, please read the regulations (which are also on the website) and contact the Nebraska State Patrol for more information.

I am a handgun instructor in the military. Can I be certified to teach this course?

Military instructors may be certified to teach a handgun course which meets the standards required for all instructors. A notarized copy of your certification as a Military Pistol Instructor will be required. You should check the regulations for instructor certification found on the website.

Can I apply for a Nebraska permit if I am a resident of another state?

No. The permit is available only to residents of this state.

What if I move to Nebraska with a permit from another state?

When you become a resident of Nebraska your permit from another state will not be valid in Nebraska. You will have to be a resident of Nebraska for 180 days before you can apply for a Nebraska permit. You will not be considered a resident of Nebraska if you maintain a residence in another state and claim that state for voting or tax purposes.

Will my Nebraska permit be honored by other states?

A number of states are currently recognizing the Nebraska permit either voluntarily or through reciprocity agreements. A list of those states which have formally notified us that they will (or will not) recognize the Nebraska permit is posted on the NSP website Conceal Carry page under Nebraska Reciprocity. Other states may recognize the Nebraska permit but have not formally responded to our correspondence. You should contact those states directly. State laws vary, so you will need to check with other states if you plan to travel.

Will my permit issued by another state be honored in Nebraska?

As of August 30, 2009, Nebraska will recognize CCW permits issued by those states on the below list which the Nebraska Attorney General has determined have standards equal to or greater than Nebraska. This recognition extends ONLY to persons who are NOT residents of Nebraska. This change in the law allows non-resident permit holders from the approved states to carry concealed in Nebraska the same as if they held a Nebraska permit. The list made no distinction between resident and non-resident permits from the listed states. No registration or issuance of a Nebraska permit is necessary. The same limits and restrictions apply that currently apply to Nebraska permit holders. You can review the regulations (which are in the process of being updated due to recent changes in the law) on the Nebraska State Patrol website. A list of the states determined by the Nebraska Attorney General to have standards equal to or greater than the standards contained in Nebraska Statute is below. These states CCW permits **Will Be** recognized by the State of Nebraska.

Alaska, Arizona, Colorado, Connecticut, Florida, Idaho, Hawaii, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, North Dakota (class one permit), Ohio, Oklahoma, Oregon, Rhode-Island, South Carolina, Tennessee, Utah, Virginia, Wyoming and the District of Columbia.

The following states have standards equal to or greater than the standards contained in Nebraska's statute, **but only to the extent the permit holder in that state is twenty-one (21) years of age or older.**

California, Iowa, Maine, Montana, North Dakota (class 2 permit) and Texas

The following states at this time **DO NOT** have standards that are equal or greater than the standards contained in Nebraska's statute and **WILL NOT** be recognized by Nebraska.

Alabama, Delaware, Georgia, Indiana, Maryland, Massachusetts, Mississippi, New Hampshire, New York, Pennsylvania, South Dakota and Washington.

Finally, neither Illinois, nor Wisconsin allows the carrying of concealed handguns within their states. The state of Vermont does allow the carrying of concealed firearms within its border; but, it does not require a permit to do so. As a result, there is no permit to recognize.

Permits held by former law enforcement officers as provided by HR218 will continued to be honored. For individuals from those states NOT recognized by the State of Nebraska, we do not object to persons bringing their weapons into the State of Nebraska while traveling through our state. We do, however ask that people transport their weapons, unloaded, encased, and inaccessible from all passengers in the vehicle.

What happens if I no longer meet the requirements after I obtain a permit?

If you no longer meet the requirements, you are obligated to turn your permit in for cancellation. If you fail to do so, a revocation proceeding can be brought against you in court which can result in a fine of up to \$1,000 in addition to revocation of the permit.

Do I have to report a change of name or address after I get a permit?

Yes. Your permit must contain your current name and address to be valid. The form for initial application of a permit can be used to report a change of name or address and request a replacement permit.

I lost my permit, how can I get it replaced?

If your permit is lost, stolen, or damaged, you must notify the Nebraska State Patrol within ten days and request a replacement permit. You must not carry a concealed handgun until the permit is replaced as the law requires you to have the permit in your possession at any time you carry a concealed handgun. The form for initial application of a permit can be used to request a replacement permit.

Does my permit allow me to carry a concealed handgun in schools or governmental buildings?

Your permit does not allow you to carry a concealed handgun in schools. Some governmental buildings are on the list of prohibited places such as buildings which contain a courtroom. Other governmental building will have partial restrictions because the prohibition is only for carrying a concealed weapon into a meeting in the building such as the governing body of a county or a meeting of the Legislature. The restriction for the meeting will not necessarily make the rest of the building a prohibited place. The persons in charge of a building, however, could chose to post the entire building. **A list of the prohibited places can be found in section 018 of the regulations or section 69-2441 in the statutes.** Some of the prohibitions are for buildings or places and some are for events.

What is meant by the term "schools" on the list of prohibited places?

The statute simply prohibits permit holders from carrying a concealed weapon in any "building, grounds, vehicle, or 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 section 85-1603, a community college, or a public or private college, junior college, or university". The debate on the legislation suggests that the Legislature intended to include trade schools, preschools, beauty schools, and "all types of educational enterprises".

What is meant by the term "place of worship" on the list of prohibited places?

Although it was not defined in the statute, the floor debate in the Legislature indicates that the term "place of worship" is to be broadly construed to include a church, synagogue, mosque or other primary place of worship and is also intended to include classrooms, social halls, reading rooms, fellowship rooms, atriums, libraries, bride's rooms, music rooms, parish hall, and other buildings on the campus of a church complex. Under certain circumstances, places of worship may authorize security guards to carry concealed handguns (see section 018 in the regulations or section 69-2441 in the statutes).

I notice signs on some buildings. Are these the only places I can't carry my concealed handgun?

No, a sign is not required for places listed in the statute where carrying concealed handguns is prohibited. Individuals, businesses and entities can post their premises if they wish. There is no specific sign required but the Nebraska State Patrol strongly recommends that the standard sign be used for this purpose as it contains the language required by the statutes and it will be readily recognized. The recommended sign can be downloaded from the Nebraska State Patrol website on the Conceal Carry webpage. You can access the Conceal Carry webpage through the NSP homepage.

If my business wants to prohibit concealed handguns, do signs have to be placed on the parking lots as well as the buildings?

Your business should post signs at all public entrances to your building. Permit holders who visit your business do not violate the law by leaving their concealed weapon in their vehicle while visiting your business even if you post your parking lot.

What am I supposed to do with my handgun if I have a permit and encounter a place where concealed handguns are prohibited such as a posted business?

You should leave your handgun secured in your vehicle.

How will I know what places are prohibited?

Prohibited places will either be found on the list of prohibited places in the regulations at section 018 or section 69-2441 in the statutes or posted with a sign. Places found on the list are not required to post signs, but they may elect to do so to provide additional notice to permit holders and the public.

My store wishes to post the premises prohibiting concealed handguns. Where can we get signs to accomplish this?

The recommended sign can be downloaded from the Nebraska State Patrol website, concealed carry page under forms/documents. There is no specific sign required but the Nebraska State Patrol strongly recommends that the standard sign be used for this purpose as it contains the language necessary and it will be readily recognized.

Do I have to tell people I have a concealed handgun?

If you are a permit holder carrying a concealed handgun and are officially contacted by any peace officer or emergency services personnel, you must immediately inform the peace officer or emergency service personnel of the concealed handgun unless you are physically unable to do so. These individuals have the right to determine whether it is necessary to secure the handgun during the contact for the safety of any person.

What happens to my handgun if I am in an accident and an ambulance takes me to a hospital?

If you are 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 you with a receipt for the handgun.

If I already have a permit to purchase handgun, isn't that adequate?

A handgun purchase permit is required by Nebraska Revised Statutes § 69-2403 for purchases of handguns in Nebraska. In 2010 the Legislature passed a law which exempts concealed handgun permit holders and law enforcement officers from this requirement. A point-of-purchase check of the National Instant Criminal Background Check System (NICS) must be completed by the seller despite the exemption from the permit requirement because the purchase permit has been accepted by Federal Alcohol Tobacco and Firearms (ATF) authorities in lieu of the point-of-purchase check. ATF may eventually recognize the concealed handgun permit in lieu of the point-of-purchase check because both permits require a NICS check.

Even though some of the requirements are similar, each permit is independent and all of the requirements for each type of permit must be satisfied independently. Fingerprints, photographs, or a record check completed for one permit may not be used to satisfy the requirements for the other permit.

Permits to purchase handguns are obtained from the Chief of Police or Sheriff. The permit to carry a concealed handgun is obtained from the Nebraska State Patrol.

If I have a permit to purchase handguns, can I carry concealed?

No, a permit to purchase a handgun is not the same thing as, and does not take the place of a carry concealed handgun permit. Permits to purchase handguns are obtained from the Chief of Police or Sheriff. The permit to carry a concealed handgun is obtained from the Nebraska State Patrol.

How does the new concealed handgun permit law work with the old law still in place?

The existing Nebraska concealed weapons law (Nebraska Revised Statutes § 28-1202) was retained in the statutes and generally prohibits the carrying of concealed weapons including handguns, bowie knife, knives with a blade over 3 ½", brass or iron knuckles, and any other deadly weapons. There is an exception in this law which allows the carrying of a concealed weapon by persons engaged in a lawful business, calling or employment at the time of carrying the weapon but only under circumstances which would justify a prudent person in carrying a weapon for the defense of his or her person, property, or family. Unlike the concealed handgun permit law, there are no specific limitations on the places where a concealed weapon can be carried under this provision. Persons utilizing this exception are cautioned that the place where a weapon is carried will have a bearing on the reasonableness of carrying the weapon. This exception, instead of being authority to carry, is an affirmative defense to a charge of carrying a concealed weapon - in other words, you may have to prove in court that you qualify for the exception.

The existing concealed weapons statute applies to those who do not have a concealed handgun permit. The statute also applies to those holding a concealed handgun permit if the weapon carried is NOT a handgun (i.e. bowie knife, iron knuckles, etc.). Concealed handgun permit holders must comply with all provisions of the Concealed Handgun Permit Act any time they are carrying a concealed handgun and may not carry a handgun under the provisions of Nebraska Revised Statutes § 28-1202.

Are there exemptions in the permit requirements for law enforcement officers or military members?

No. Some states do have exceptions in their concealed handgun laws which exempt law enforcement officers or other persons from the some of the requirements for obtaining a permit. Nebraska statutes treat all persons the same and do not contain exceptions to the permit or training requirements for law enforcement officers, military members, or any other class of persons wishing to obtain a permit.

Do law enforcement officers need a permit to carry a concealed weapon off duty?

Law enforcement officers do not need a permit to carry a concealed weapon off duty. They have the same justification they have always had under the existing law as well as the benefit of a relatively new federal law. The Law Enforcement Officer's Safety Act of 2004 (18 USC 44, § 926B, very commonly referred to as HR218) authorizes both qualified current and retired law enforcement officers to carry concealed

firearms under certain conditions notwithstanding state or local laws to the contrary. Officers or retired officers carrying firearms under this authority must meet firearms qualification standards and carry certain documentation. This federal authorization does not supersede (take precedence over) state laws which (1) allow private persons or entities to restrict the possession of concealed firearms on their property, or (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

What am I supposed to do if my concealed weapon injures someone or damages property?

You must report any injury to a person or damage to property resulting from the discharge of a concealed handgun you carry to the Nebraska State Patrol within ten (10) days of the incident. Failure to file the report is a criminal offense. The form for making such a report will be available on the Nebraska State Patrol website at and can be downloaded for your use in complying with this requirement.

The regulations refer to Section 922 of Title 18 of the United States Code. What are the provisions of that law?

The relevant provisions of Section 922 of Title 18 of the United States Code have not been changed since January 1, 2005 which is the date used by the Nebraska statute. This law provides generally that the existence of any of the following items will disqualify an applicant:

- conviction in any court of a crime punishable by imprisonment for more than one year (generally felony offenses);
- fugitive from justice (subject of active criminal warrant);
- unlawful user or addicted to a controlled substance under 21 U.S.C. 802 Section 102 (this does not necessarily require a conviction but must be within the past year);
- adjudication in a court proceeding as a mental defective or commitment to a mental institution - this includes a finding of Not Guilty By Reason of Insanity or Incompetent to Stand Trial in a criminal proceeding but does not include a temporary Emergency Protective Custody (EPC). (Note that there are no time limits on this section);
- illegal or unlawful alien or lawful alien here on a nonimmigrant visa - this does not disqualify a person with an immigrant visa - "green card". (This section is really irrelevant because the Nebraska permit requires that the applicant be a citizen.);
- discharge from the armed forces under dishonorable conditions - a dishonorable discharge or the "dismissal" of an officer from the armed forces adjudged by a general court-martial;
- renounced United States citizenship;
- subject of a court order prohibiting contact with intimate partner or child of partner if the order was issued after a hearing with actual notice and opportunity to participate and if the order includes a finding that the person represents a credible threat and explicitly prohibits the use of physical force. (These can be from any state and may be called by a variety of names including: restraining orders, domestic restraining orders, protective orders, or harassment orders. Whatever they are called, they must meet the same tests of a hearing

- with notice and opportunity, a finding of a threat, and a prohibition of use of physical force against an intimate partner or child of such partner.); or
- conviction in any court of a misdemeanor crime of domestic violence.

What are some common reasons for denial of a concealed handgun permit application?

Concealed handgun permit applicants must meet the requirements of Nebraska law, including but not limited to the criteria set forth in Nebraska Revised Statutes § 69-2433. The following are a few of the most common reasons an application for a concealed handgun permit may be denied. This **is not** an exhaustive list:

- Conviction for possession of a controlled substance within ten (10) years from your application date.
 - This includes convictions for possession of marijuana- one ounce or less
- Conviction for violation of laws relating to firearms or unlawful use of a weapon within ten (10) years from your application.
 - This includes convictions for carrying concealed *any* weapon noted in Nebraska Revised Statutes § 28-1202 (including, but not limited to firearms, knives and brass knuckles.)
 - This includes convictions for having a shotgun on a highway, convictions for having a loaded shotgun in your vehicle and convictions for shooting at wildlife from a highway or roadway.
- Conviction for a felony, no matter how old.
- Conviction for a crime of domestic violence, no matter how old
- Conviction for a crime of violence within ten (10) years from your application date.
 - This includes convictions for any level of assault, including sexual assault

Sheriff

Harold Schenck

612 Indian St. #13

St. Paul, NE 68873

(308) 754-5433

Fax: (308) 754-5436

Email: jana_hoff@yahoo.com