

GUN REGULATIONS
2004

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The information contained herein is not intended to be used in place of any applicable Federal or State Statutes or local Municipal Ordinances. This booklet should not be relied upon in place of those applicable laws. Individuals are required to check the legality regarding any of their actions concerning weapons.

Compiled from the ATF Federal Regulations, State of Nebraska Firearms Laws and the City of Lincoln, Lancaster County Law Enforcement Agencies

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This booklet will answer some of your questions about gun regulations within Lincoln, Lancaster County, and the State of Nebraska. It has been compiled by the Lincoln Police Department. If you have specific questions not covered in this booklet we would suggest calling the Nebraska State Patrol at 471-4545.

The term "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm.

In the State of Nebraska, any person 21 years or older is required to have a Firearm Certificate to purchase, lease, rent, or receive transfer of a handgun from anyone (private or business). See **Exceptions for Required Firearm Certificate** on Pages 3 & 4. It is illegal to sell, lease, rent or transfer a handgun to anyone who has not obtained a certificate. The Firearm Certificate application must be completed by the applicant at the law enforcement agency or mailed to the Law Enforcement Agency that has jurisdiction at their **place of residence**. The Lancaster County Sheriff's Office accepts and processes applications from anyone that lives in Lancaster County. When mailing an application for a certificate the signature **of the applicant must be notarized**.

The cost is \$5.00 for a certificate and requires three (3) business days to process. The Law Enforcement Agency will then mail your certificate or denial to the address given on the request. A Nebraska Operators License, Nebraska State Identification Card, or Military ID with proof of residency must be used to verify the identity of the applicant. You can apply for a certificate Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays. A State and National Criminal History inquiry will be run on every applicant to determine any wanted notices or criminal history. An explanation of the denial will be sent to the applicant if he does not qualify for a Firearm Certificate along with the Appeal Information.

The Firearm Certificate is valid for three (3) years from the date of issuance, at which time it must be renewed if the person desires to purchase more guns. A Firearm Certificate can be revoked or canceled at any time if you violate any laws that make it necessary to recall said certificate.

GROUNDINGS FOR DENIAL OF A FIREARM CERTIFICATE

1. Mailed in application is not notarized.
2. Incomplete application. All information requested on the application must be provided.
3. Application fee of \$5.00 not paid.
4. Applicant is a convicted felon. Any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
5. Applicant is a fugitive from justice or has active warrants for their arrest.
6. Applicant is an illegal drug user (user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug or any other controlled

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substance.)

7. Applicant is mentally ill. Any person found to be mentally defective by any court or who has been committed to any mental institution.
8. Applicant is an illegal alien.
9. Applicant was dishonorably discharged from the Armed Forces.
10. Applicant has renounced his or her United States citizenship.
11. Applicant did not apply in the county of residence.
12. Applicant has an active protection order against them.
13. Applicant has been convicted of stalking or domestic assault.

NOTE: Providing false information on the application is a felony punishable by a maximum five years in prison and \$10,000 fine. Selling or obtaining a handgun in violation of the law is a misdemeanor punishable by up to a year in jail and a \$1,000 fine.

EXCEPTIONS FOR REQUIRED FIREARM CERTIFICATE

The following are the only exceptions when a certificate **is not required**:

1. The person acquiring the handgun is a licensed firearms dealer under federal law.

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2. The handgun is any antique handgun. An antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
3. The person acquiring the handgun is authorized to do so for a law enforcement agency.
4. The transfer is a temporary transfer of a handgun and the transferee remains (a) in the line of sight of the transferor, or (b) within the premises of an established shooting facility.
5. The transfer is between a person and their spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent.

A handgun is designated as any firearm that is less than 16 inches in length and can be fired using one hand.

Effective November 30, 1998, all licensed gun dealers were required by Federal law to check for a valid FIREARMS CERTIFICATE before selling a long-barreled gun (shotgun or rifle) to a citizen. In the absence of a valid Firearms Certificate, the dealer was authorized to conduct an InstantCheck. The InstantCheck involves essentially the same criteria for validation as does the Firearms Certificate. All existing rules, regulations, State Statutes, and Federal Laws still apply. All citizens must now possess a valid Firearms Certificate, or pass an InstantCheck prior to purchasing a rifle or shotgun, effective November 30, 1998. Also, law enforcement agencies and licensed firearms dealers will be assigning an NTN (National Tracking Number) to all Firearms Certificates and InstantCheck transactions.

A FEW ANSWERS TO COMMONLY ASKED QUESTIONS

In Nebraska, State Statute prohibits felons from possessing firearms.

It is a Federal and State felony for anyone who has been convicted of a felony offense to own or possess firearms unless they have received a Presidential pardon or granted a pardon by the Governor of a state or other state pardoning authority unless the restoration of civil rights expressly provides that the person may not ship, transport, possess or receive firearms, or did not fully restore the rights of the person to possess or receive firearms under the law of the jurisdiction where the conviction occurred.

Firearm sales and purchase permits are again state and local issues. Federally, the only restrictions apply to those who are engaged in the business of dealing in firearms. Residents of one state **may not purchase** handguns from a licensed dealer **in another state**.

Any person or persons who transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony. The definitions of such firearms are as follows:

Machine gun - any firearm, whatever its size and usual designation that shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

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Short rifle - a rifle having a barrel less than sixteen inches (16") long or an overall length of less than twenty-six inches (26") long.

Short shotgun - a shotgun having a barrel or barrels less than eighteen inches (18") long or an overall length of less than twenty-six inches (26") long.

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AGE LIMITATIONS REGARDING POSSESSION OF A FIREARM

Any person under the age of eighteen (18) years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver. The only exception would be the issuance of such firearms to members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, or the temporary loan for instruction under the immediate supervision of a parent or guardian or adult instructor.

DEFACING A FIREARM

It is illegal to intentionally remove, deface, cover, alter, or destroy the manufacturer's identification mark or serial number or other distinguishing numbers on any firearm and any person who knowingly possess, receives, sells, or leases, other than by delivery to law enforcement officials, any such firearm commits the offense of Possession of a Defaced Firearm.

TRANSPORTING FIREARMS FROM ONE STATE TO ANOTHER

We do suggest you check with the state that you will be entering to determine what their firearm regulations are, but under most circumstances guns can be transported for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during the transporting of the firearm it is **unloaded, and neither the firearm nor any ammunition being transported is readily accessible** or is directly accessible from the driver/passenger compartment of such transporting vehicle.

In the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition should be placed in a locked container other than the glove compartment or console.

CAN YOU PURCHASE A GUN IN ANOTHER STATE AND BRING IT INTO NEBRASKA?

If a gun is purchased out of state the out of state dealer must ship the purchased gun to a licensed Nebraska dealer at which time the purchaser must obtain a Nebraska Firearm Certificate before claiming the gun.

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WHAT IS CONSIDERED A CONCEALED WEAPON?

ON YOUR PERSON—

Any person who carries a weapon or weapons concealed on or about his person such as a revolver, pistol, Bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon, commits the offense of Carrying a Concealed Weapon.

IN A VEHICLE—

When transporting a weapon in a vehicle it is considered a concealed weapon when it is concealed in a manner readily accessible to the driver or passenger of the vehicle. **The firearm must be unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the driver/passenger compartment of such transporting vehicle.**

It shall be unlawful for any person to keep a firearm in an unattended motor vehicle for a period in excess of 24 hours. This provision shall not apply to members of the Armed Forces or duly authorized law enforcement officer, nor shall it apply to vehicles containing firearms that are parked in locked enclosures or buildings, such as garages or other storage facilities.

CAN A PERSON OBTAIN A SPECIAL PERMIT TO CARRY A HANDGUN?

In the State of Nebraska there are no special permits issued to carry a handgun on your person per the Secretary of State's Office other than law enforcement personnel, private investigators, or security personnel.

IS IT A LAW THAT YOU HAVE TO REGISTER A FIREARM?

Any person, firm, association, or corporation dealing in firearms of any type shall, on the same day of the sale of any firearm, except a shotgun or a rifle of a type commonly used for hunting, report the sale to the Police Department on forms as prescribed and furnished by the Police Department. The report shall contain all the information requested thereon.

You can contact the Lincoln Police Department at 441-7204 to discuss voluntary registration of your personal firearms. **DO NOT bring your firearm to the Lincoln Police Department.** If your registered weapon is stolen the Police Department would then have the serial number, model number, and brand name on file.