



LINCOLN POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 1685
TOPIC: PERMITLESS CARRY, FIREARMS AND WEAPONS
ISSUED BY: MICHON MORROW, CHIEF OF POLICE
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SUPERSEDES: New 2023
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18 U.S.C. 921-922
GO 2010

I. POLICY

The State of Nebraska allows for open-carry and concealed carry of weapons without a permit by those legally allowed to possess such weapon. Additional regulations are placed on the concealed carry of handguns. The Lincoln Police Department is committed to the safety and well-being of the community and has established this policy, in accordance with State Statutes, to provide guidelines when contacting persons exercising their right to carry a weapon.

II. PROCEDURE

A. Definitions

1. Case: A hard-sided or soft-sided box, container, or receptacle intended or designed for the primary purpose of storing or transporting a firearm or the firearm manufacturer's original packaging.
2. Concealed Handgun: A handgun that is entirely obscured from view. If any part of the handgun is capable of being seen or observed by another person, it is not a concealed handgun.
3. Contact: Any time an officer personally stops, detains, questions, or addresses a person for an official purpose or in the course of their official duties.
4. Deadly Weapon: Any firearm, knife, bludgeon or other device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury.
5. Firearm: Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon.
6. Handgun: Any firearm with a barrel less than sixteen inches (16) in length or any firearm designed to be held and fired by the use of a single hand.
7. Juvenile: Any person under the age of eighteen (18) years.
8. Minor: A person who is under twenty-one (21) years of age.
 - a. Minor does not include a person who is eighteen (18) years of age or older if the person is a member of any branch of the United States armed forces, to include active duty, reserve duty, national guard or Reserve Officers Training Corps or;
 - b. A person who is eighteen (18) years of age and a peace officer or other duly authorized law enforcement officer.
9. Owner or Person in Control: The person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises.
10. Prohibited Juvenile Offender: Anyone under the age of twenty-five (25) who has been adjudicated in juvenile court for a felony offense or a misdemeanor crime of domestic violence.
11. Prohibited Person: A person who is prohibited from possessing a firearm per NRS 28-1206 due to one or more of the following:
 - a. Been previously convicted of a felony;
 - b. Currently a fugitive from justice;
 - c. The subject of a current and validly issued domestic violence, harassment or sexual assault protection order and is knowingly violating such order;

- d. Currently on probation for the felony offenses of protection order violation, domestic assault, DUI or DUI-Refusal.
12. School: 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, a public or private college, a junior college or a university.

III. PERMITLESS CONCEALED CARRYING OF HANDGUNS

- A. Any person, other than a minor or a prohibited person or prohibited juvenile offender, may carry a concealed handgun anywhere in Nebraska with or without a permit under the Concealed Handgun Permit Act except:
- 1. Any premises where the owner or person in control has prohibited the carrying of a concealed handgun.
 - a. The premises must be posted with a conspicuous sign that a handgun, concealed or not, is prohibited; or
 - b. The owner or person in control has made a request to the person to remove the concealed handgun from the premises.
 - 2. Any law enforcement station or office, detention facility, any courtroom or building that contains a courtroom, any polling place during an election, any meeting of a governing body of a county, public school district, municipality or other political subdivision, any meeting or committee of the Legislature, any financial institution, any professional or semiprofessional athletic event, any building, grounds, vehicle or sponsored event of any public, private, denominational or parochial school, any community college, university, any place of worship, any hospital, emergency room or trauma center, any political rally or fundraiser, any licensed liquor establishment that derives over one-half of its total income from the sales of alcoholic liquor or any place where the possession or carrying of a firearm is prohibited by state or federal law.
 - a. Financial institutions and places of worship may authorize security personnel to carry concealed handguns in compliance with State Statute.
 - b. Law enforcement or members of the armed forces are only allowed to possess a firearm while on-duty or training in any school, on school grounds, in a school owned vehicle or at a school-sponsored activity or athletic event.
 - 3. In any parking lot open to the public and use by subparagraph 1 or 2, a person is allowed to possess a concealed handgun if prior to exiting the vehicle the handgun is secured in a locked compartment of the vehicle or motorcycle.
 - a. Firearms are prohibited from any school parking lot or other parking lots where specifically prohibited by law.
- B. Contact with Law Enforcement or Emergency Services Personnel
- 1. Identification:

A person carrying a concealed handgun is required to carry valid identification and must present their identification when requested by law enforcement or emergency services personnel. The person is not required to present their identification if:

 - a. They are storing or transporting the handgun in a motor vehicle for any lawful purpose or transporting directly to or from a motor vehicle to or from any place where the handgun may be lawfully possessed and;
 - b. The handgun is unloaded, kept separate from the ammunition and enclosed in a case.
 - 2. Notice of Concealed Handgun:

When a person who is carrying a concealed handgun is contacted by law enforcement or emergency services personnel, they are required to immediately inform such personnel they are carrying a concealed a handgun. The person is not required to provide notice if:

 - a. They are storing or transporting the handgun in a motor vehicle for any lawful purpose or transporting directly to or from a motor vehicle to or from any place where the handgun may be lawfully possessed and;
 - b. The handgun is unloaded, kept separate from the ammunition and enclosed in a case.

3. Securing Handgun during Law Enforcement Contact:
If the firearm is not already stored as provided above, the officer may secure or direct that the handgun be secured for the duration of the contact if the officer determines it's necessary for the safety of any person present, including the officer.
 - a. The person is required to comply with the order to secure the handgun.
 - b. Once the officer determines the person is not a threat to the safety of anyone present and the person has not committed any other violation that would result in his or her arrest, the officer shall return the handgun to the person before releasing the person from the scene and breaking contact.
4. Securing Handgun during Medical Contact:
If the firearm is not already stored as provided above, medical personnel may secure or direct that the handgun be secured for the duration of the contact, if necessary for the safety of any person present, to include emergency services personnel.
 - a. The person is required to comply with the medical personnel request to secure the handgun.
 - b. Once medical personnel determine the person is physically and mentally capable of possessing the handgun, they shall return the handgun before releasing the person from the scene and breaking contact.
5. Medical Transport to Another Location:
If the handgun is not already stored as provided above, and a person who is carrying a concealed handgun is being transported for medical treatment to another location, State Statute requires medical personnel turn the handgun over to a law enforcement officer. The officer shall:
 - a. Verify the owner is not prohibited from possessing the handgun by contacting CH16 and running a criminal history check. The officer will need to provide CH16 with a case number and specify they are running a criminal history check for a firearms release.
 - (1) If releasing the handgun to a third party at the direction of the owner, the officer shall verify that the third party is not prohibited.
 - b. Verify the handgun has not been reported stolen.
 - c. Complete a Property Report to include the:
 - (1) Make, model and serial number;
 - (2) Type (revolver, semi-automatic);
 - (3) Caliber;
 - (4) Identifying information for the owner;
 - (5) Document to whom and where the handgun was released.
 - (6) Signature of owner, if possible, and, if released, the signature of person accepting the handgun.
 - d. Provide a copy of the Property Report to the owner, if able to do so, prior to medical transport.
 - (1) If unable to provide the owner with a receipt, the officer may provide a copy to the location where the owner was transported, email or mail a hard copy to the owner.
 - e. The officer shall place a copy of the signed Property Report into the Property and Evidence Unit.
 - f. If the owner can't identify a third party or handgun can't be released to transport location, the officer shall tag the handgun into the Property and Evidence Unit in accordance with procedures outlined in General Order 2010.
 - g. Document the circumstances in a report, how receipt was provided to owner, and to whom the handgun was released.

C. Under the Influence of Alcohol and Controlled Substances

1. No person is allowed to carry a concealed handgun while:
 - a. Consuming alcohol, or;
 - b. Has any previously consumed alcohol or any controlled substance in their blood, breath or urine.
2. There is no violation of the above if:
 - a. The controlled substance was lawfully obtained and taken in the prescribed amounts or;
 - b. Such person is storing or transporting the handgun in a motor vehicle for any lawful purpose or transporting directly to or from a motor vehicle to or from any place where the handgun may be lawfully possessed and;
 - c. The handgun is unloaded, kept separate from the ammunition and enclosed in a case.

IV. CONCEALED CARRYING OF WEAPONS

A. Firearms (excluding handguns):

Anyone, except a minor or a prohibited juvenile offender or a prohibited person, is allowed to carry a concealed firearm on or about their person with the following exception:

1. Possession prohibited on school property. Law enforcement or members of the armed forces while on duty or training are allowed to possess a concealed firearm in any school, on school grounds, in a school owned vehicle or at a school-sponsored activity or athletic event. There are other statutory exceptions regarding firearms on school property.

B. Weapons (excluding firearm and handgun)

Anyone, except a minor or a prohibited person, is allowed to carry a weapon concealed on or about their person such as a knife, brass or iron knuckles, or any other deadly weapon.

C. An owner or person in control may prohibit any and all weapons on their premises, except concealed handguns in public parking lots (see above). The owner or person in control must:

1. Post the premises with a conspicuous sign that weapon(s), concealed or not, is prohibited; or
2. Have made a request to the person to remove the weapon from the premises.

V. OPEN CARRYING OF WEAPONS

A. Handguns:

Anyone, other than a juvenile or a prohibited juvenile offender or a prohibited person, is allowed to open-carry a handgun with the following exceptions:

1. A juvenile who is a member of the armed forces (active duty/reserve/national guard/ROTC) while on duty or training.
2. Temporary possession by a juvenile for instruction under the immediate supervision of a parent, guardian or adult instructor.
3. Possession prohibited on school property. Law enforcement or members of the armed forces while on duty or training, are allowed to possess any firearm in a school, on school grounds, in a school-owned vehicle or at a school sponsored activity or athletic event.
 - a. There are other statutory exceptions regarding firearms on school property.

B. Firearms (excluding handguns):

Anyone, except a minor or a prohibited person or a prohibited juvenile offender, is allowed to open-carry a firearm with the following exception(s):

1. Possession prohibited on school property. Law enforcement or members of the armed forces while on duty or training, are allowed to possess any firearm in a school, on school grounds, in a school-owned vehicle or at a school sponsored activity or athletic event.
 - a. There are other statutory exceptions regarding firearms on school property.
2. A juvenile may possess a firearm with permission of their parent or legal guardian for legitimate and lawful sporting purposes or under direct supervision by an adult in an educational program.

C. Other Weapon (excluding firearm or handgun). Anyone, except a prohibited person, is allowed to open-carry a knife, brass or iron knuckles, or any other deadly weapon.

D. An owner or person in control may prohibit any and all weapons on their premises, except concealed handguns in public parking lots (see above). The owner or person in control must:

1. Post the premises with a conspicuous sign that weapon(s), concealed or not, is prohibited; or
2. Has made a request to the person to remove the weapon from the premises.

VI. ADDITIONAL VIOLATIONS

A. State Violations:

1. Felony: Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit a felony.
2. Misdemeanor:
 - a. Any person who carries a firearm or a destructive device during the commission of a dangerous misdemeanor as defined by state law.
 - b. Any person who is carrying a concealed handgun who is prohibited by 18 U.S.C. 922 (d) or (g).

B. Federal Violations:

1. Felony: Any person prohibited from possessing firearms or ammunition per 18 U.S.C. 922 (d) or (g). This would include individuals adjudicated as a mental defective or a user of or addicted to a controlled substance.

