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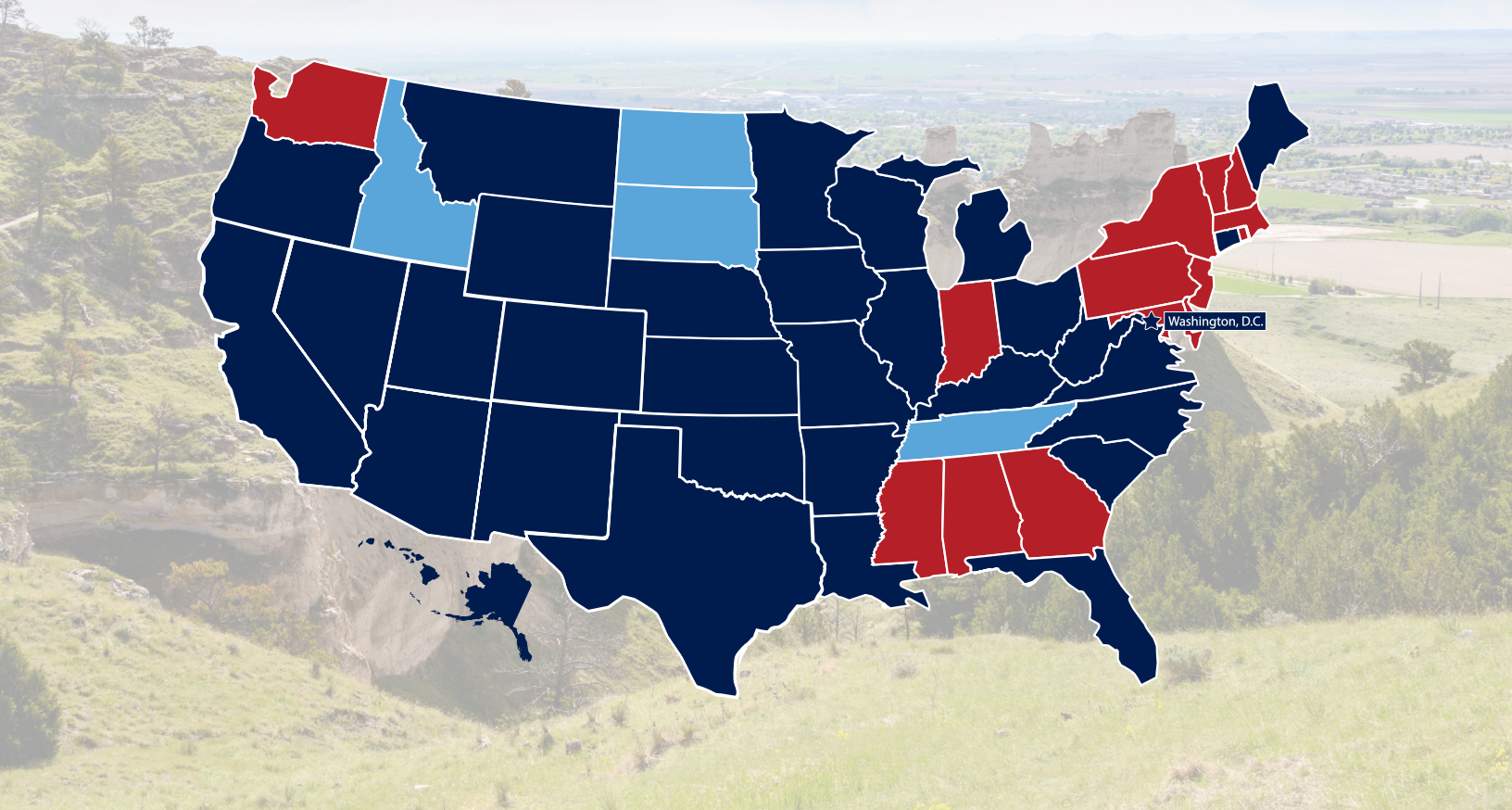
NEBRASKA TRAVEL GUIDE FOR GUN OWNERS



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PERMITS/LICENSES RECOGNIZED BY NEBRASKA

Nebraska recognizes handgun carry licenses and permits from most other states, including resident and non-resident licenses and permits. Permits and licenses from about a dozen other jurisdictions are not recognized by Nebraska as having standards equal to or greater than the requirements in Nebraska law. See Neb. Rev. Stat. § 69-2448. All persons carrying concealed in Nebraska must be 21 years of age or older. See Neb. Rev. Stat. § 69-2433(1).



Recognizes enhanced permit or Class 1 license only

IMPORTANT NOTE: When you are in another state, you are subject to that state's laws. Even if a state recognizes your handgun license or permit or allows for permitless carry, the state may have additional restrictions on certain types of firearms, magazines, or ammunition. Take time to learn the law!



NEBRASKA LAWS YOU SHOULD KNOW

The State of Nebraska has partial state preemption for most but not all firearms laws. Other than regulating discharge, local firearms ordinances are preempted for individuals who hold a valid Concealed Handgun Permit and carry concealed. It is important to note that these ordinances may still apply to non-permitholders and may restrict open carry of firearms. See Neb. Rev. Stat. §§ 14-102(6), 15-255, 16-227, 17-556, 18-1703; see *also* Neb. Att’y Gen. Op. No. 09001 (Jan. 13, 2009).



VEHICLE CARRY

License and permit holders

Rifles and handguns may be in plain view and loaded under state law, but shotguns must be unloaded. However, local laws may prohibit the open carrying of firearms. See Neb. Rev. Stat. § 37-522.

Non-licensed and non-permitted carriers

Concealed carry of a loaded handgun is prohibited in a vehicle or on foot by persons without a valid permit. An unloaded handgun may be kept in an enclosed commercial case, separate from ammunition. It is illegal for a non-permitholder to keep a readily accessible, loaded, concealed handgun. See Neb. Rev. Stat. § 28-1202.



DUTY TO NOTIFY LAW ENFORCEMENT

All persons carrying a handgun under the authority of a license or permit must have their carry license or permit on them and, upon official contact with law enforcement or emergency services personnel, must inform they are carrying a concealed handgun. See Neb. Rev. Stat. § 69-2440.



OPEN CARRY

There is no state law prohibiting a person from openly carrying a firearm in the state of Nebraska and no permit is required to openly carry a firearm or handgun. However, some local municipalities have enacted ordinances restricting open carry and may require a valid permit to openly carry a firearm. See *e.g.*, Omaha, Neb., Mun. Code §§ 20-206, 20-208.

WHERE CAN YOU LEGALLY CARRY YOUR HANDGUN IN NEBRASKA?

LOCATION		CONCEALED WITH PERMIT	CONCEALED WITHOUT PERMIT
		(HANDGUN)	(HANDGUN)
	On your private property.	✓	✓
	A person's motor vehicle.*	✓	✗
	Public places not otherwise prohibited by law.	✓	✗
	Place or premises where the controlling authority of the property has prohibited permit holders from carrying concealed handguns.**	✗	✗
	Place of worship.***	✗	✗
	Financial institutions. See Neb. Rev. Stat. § 8-101.03(12).*	✗	✗
	Establishment with a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor.*	✗	✗
	Businesses that serve alcohol for consumption on their premises but derive less than one-half of their total income from the sale of alcohol, if the permit holder is not consuming alcohol and has no alcohol in their system.	✓	✗
	The 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, a community college, or a public or private college, junior college, or university.*	✗	✗
	Hospital, emergency room, or trauma center.*	✗	✗
	State parks if not posted and national parks and forests, excluding buildings and facilities.	✓	✗
	Professional, semiprofessional, or collegiate athletic event.*	✗	✗
	Any airport terminal (unless checking or transporting the handgun before or after the flight).	✗	✗
	Courtroom or building that contains a courtroom.*	✗	✗
	Meeting of the governing body of a county, public school district, municipality, or other political subdivision.*	✗	✗
	Meeting of the Legislature or a committee of the Legislature.*	✗	✗
	Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail.*	✗	✗
	U.S. Post Office, VA Hospital, or other place prohibited by federal law, including parking lots and sidewalks.	✗	✗
	A polling place during a bona fide election, a political rally, or a fundraiser.*	✗	✗

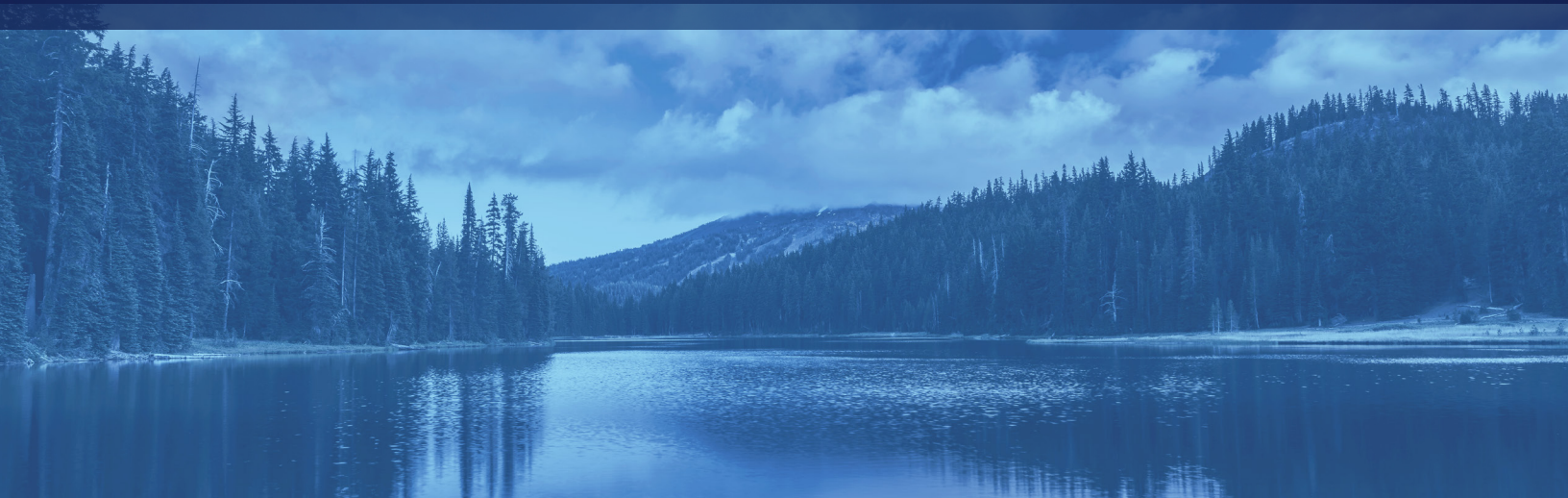
Open carry is unrestricted under state law, but local prohibitions may apply. Always check local law before you carry.

* Permit holders may keep handguns in their vehicles in the public parking lots of places that are open to the public, even in these areas, if the handgun is locked inside a glove box, trunk, other compartment of the vehicle, or storage box that is secured to the vehicle. However, this type of storage is not applicable to a parking area prohibited by federal law. Non-permit holders generally may carry a handgun in their vehicle, if in plain view, but local laws may otherwise prohibit this. Note that a firearm found in a motor vehicle other than a public vehicle may be evidence that the firearm is in the possession of and is carried by all persons occupying such motor vehicle at the time the firearm is found. See Neb. Rev. Stat. § 28-1212.

** Permit holders will not be penalized unless the controlling authority of the property has posted conspicuous notice or has asked the permit holder to remove their concealed handgun from the property. Neb. Rev. Stat. § 69-2441(2).

*** A place of worship may authorize its security personnel to carry concealed handguns on its property so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written notice is given to the congregation and, if the property is leased, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor. See Neb. Rev. Stat. § 69-2441.

FEDERAL LAWS YOU SHOULD KNOW



NATIONAL PARKS

Federal law allows possession of firearms in national parks and wildlife refuges so long as the person is not otherwise prohibited by law from possessing the firearm and the possession is in compliance with the law of the state in which the national park or wildlife refuge is located. However, you cannot bring the firearm into any federal buildings, which may include ranger stations, museums, exhibits, and restrooms. See 16 U.S.C. § 1a-7b; 18 U.S.C. § 930; 54 U.S.C. § 104906.

ARMY CORPS OF ENGINEERS PROPERTY

Loaded firearms, ammunition, and other projectile firing devices are generally prohibited on U.S. Army Corps of Engineers (“USACE”) property. This applies to property owned and managed by the USACE (including bodies of water), but does not include easements or other rights of way that USACE may have near a project site (e.g., private or state-owned shoreline near a USACE lake). Simply put, if the USACE does not own the property in whole, then the prohibition on the possession and carrying of firearms will not apply under this regulation. Unfortunately, these boundaries and ownership are oftentimes unclear. To be safe, be on the lookout for signs prohibiting the possession of these items and contact the office of the USACE project site for clarification. See 36 C.F.R. §§ 327.13(a), 327.26(a)(3), 327.30(d).

TRANSFER OF FIREARMS

We are frequently asked about transferring (through sale or gift) a firearm to a person living in a different state. It is a violation of FEDERAL LAW to give, sell, or trade any firearm to a non-resident unless done through a Federal Firearms Licensee (FFL). This includes a gift to a child or parent. A violation of this law is punishable by up to five years imprisonment in a federal penitentiary and up to a \$5,000 fine. See 18 U.S.C. §§ 922(a)(5), 924.



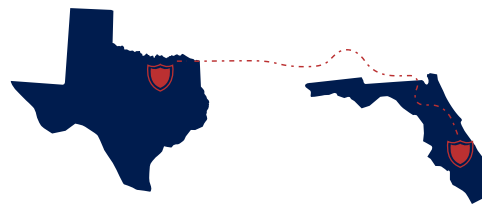
SAFE PASSAGE

Some states just don't like guns. For example, California and New Jersey prohibit magazines that carry more than 10 rounds of ammunition. The State of California does not ban "Black Talon" ammunition, but the City of San Francisco does. New Jersey prohibits hollow-point ammunition outside of the home. Maryland prohibits over 60 specific firearms, including any "copycat" firearms. So, how do you travel safely through gun-hostile territories? Luckily, federal law provides a "traveling" defense intended to protect gun owners as they travel through such states.

THE SAFE PASSAGE PROVISION UNDER 18 U.S.C. § 926A

Requirement #1

The **beginning** and **end** of your trip must be in states where you can **lawfully possess a firearm**.



Requirement #2

The firearm must be **unloaded and placed in a trunk or compartment which is not readily accessible**. If there is no trunk or compartment, the firearm must be unloaded and placed in a locked container (glove box or center console is specifically NOT allowed). Ammunition must also be locked up and out of reach. The firearm and ammunition may be in the same container—just make sure the ammunition is separated from the gun.



Requirement #3

You must be **"traveling."** While there is no definition of "traveling," generally, if a person stops somewhere for too long, they are no longer "traveling" and will lose the Safe Passage protection. How long does this period last? Your guess is as good as ours! Stopping for gas or restroom breaks will probably not disqualify you from the "traveling" protection. However, any stop for an activity not directly related to traveling could be considered a destination.



"Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm 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 such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console." 18 U.S.C. § 926A.

FLYING WITH A FIREARM

Road trips are not everyone's cup of tea; some prefer to fly to their destination state. But the idea of getting assaulted by TSA doesn't sound like fun, which makes many people nervous to fly with their guns. However, if you comply with the law, it will take the mystery and danger out of air travel. Keep in mind, these are only the requirements to fly with your firearm; you must follow the laws of the destination state once you arrive.

TSA REQUIREMENTS

- ✓ Firearms must be unloaded and locked in a hard-sided container and transported as checked baggage only. You may use any brand or type of lock to secure your firearm case, including TSA-recognized locks. But you must retain the key!
- ✓ Ammunition must be securely boxed or included within a hard-sided case containing an unloaded firearm and transported as checked baggage only. The ammunition must be packaged in a box specifically designed to carry ammunition. You cannot use firearm magazines or clips for packing ammunition unless they completely enclose the ammunition. Firearm magazines and ammunition clips, whether loaded or empty, must be boxed or included within a hard-sided, locked case.
- ✓ Declare each firearm at the check-in counter each time you present it for transport as checked baggage. Many times, the agent will want to ensure that the gun is unloaded, and will probably direct you to lock the hard-sided container in their presence once their inspection is complete.

These requirements apply to checked baggage. What cannot go into your carry-on? All firearms, ammunition, firearm parts, magazines, bolts, firing pins, and replicas of firearms (including toys) must be in checked baggage. What can go in your carry-on? A rifle scope!

CHECK YOUR CARRY-ON

NO



OK



WARNING! If there are flight complications that cause the aircraft to land in a gun-hostile state, such as New Jersey, **DO NOT** take possession of your luggage containing the firearm. Once you take possession of the baggage holding your weapon, you could be committing a crime! If this happens, simply refuse to take possession of the bags and request that the airline forward them to their final destination.

PRO TIP

Your locked containers must be secured! We recommend placing a lock in each location capable of accepting a lock. The TSA may turn you away if your container can be pried open from any direction.

PRO TIP

Call your airline ahead of time to confirm they don't have any additional requirements, limitations, or fees that may apply. For example, some airlines require ammunition be transported in the original manufacturer's packaging.

NOTES



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ABOUT TRAVELING?**

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