

\$19.95



# WHEN CAN I LEGALLY SHOOT?

THE LAW OF DEADLY FORCE IN NEBRASKA





# I'M CHARGED WITH WHAT?

IF YOU ARE IN THE UNFORTUNATE POSITION TO BE CHARGED WITH A CRIME INVOLVING A FIREARM IN NEBRASKA, HOW SERIOUS IS IT?

## MISDEMEANORS

### CLASS III MISDEMEANOR

#### DISCHARGING ANY FIREARM OR WEAPON FROM ANY PUBLIC HIGHWAY, ROAD, OR BRIDGE

Discharging any firearm or weapon using any form of compressed gas as a propellant from any public highway, road, or bridge in this state, unless otherwise allowed by statute.

### CLASS II MISDEMEANOR

#### ASSAULT IN THE THIRD DEGREE - MUTUAL CONSENT

While in a fight or scuffle entered into by mutual consent, intentionally, knowingly, or recklessly causing bodily injury to another person; OR threatening another in a menacing manner.

### CLASS I MISDEMEANOR

#### ASSAULT IN THE THIRD DEGREE

Intentionally, knowingly, or recklessly causing bodily injury to another person; OR threatening another in a menacing manner.

#### CARRYING A CONCEALED WEAPON

Carrying a weapon or weapons concealed on or about your person, such as a handgun, knife, brass, or iron knuckles, or any other deadly weapon unless while lawfully carrying a handgun and possessing a valid permit issued under the Concealed Handgun Permit Act.\*

\* See statute for full list of defenses and punishment

## PUNISHMENT

**CLASS III MISDEMEANOR:** UP TO 3 MONTHS IN JAIL AND A \$500 FINE.

**CLASS II MISDEMEANOR:** UP TO 6 MONTHS IN JAIL AND A \$1,000 FINE.

**CLASS I MISDEMEANOR:** UP TO 1 YEAR IN JAIL AND A \$1,000 FINE.



#### WHERE THE LAW IS LOCATED Nebraska Revised Statutes

§ 28-1335	Discharging Any Firearm or Weapon From Any Public Highway, Road, or Bridge
§ 28-310	Assault in the Third Degree
§ 28-1202	Carrying a Concealed Weapon
§ 28-308	Assault in the First Degree
§ 28-1205	Use of a Deadly Weapon to Commit a Felony; Possession of a Deadly Weapon During the Commission of a Felony; Penalty; Separate and Distinct Offense; Proof of Possession
§ 28-1212.04	Discharge of a Firearm in Certain Cities and Counties
§ 28-304	Murder in the Second Degree
§ 28-303	Murder in the First Degree
§ 28-105	Felonies; Classification of Penalties; Sentences; Where Served
§ 28-106	Misdemeanors; Classification of Penalties; Sentences; Where Served

## FELONIES

### CLASS II FELONY

#### ASSAULT IN THE FIRST DEGREE

Intentionally or knowingly causing serious bodily injury to another person.

#### POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION A FELONY

Possessing a firearm during the commission of any felony which may be prosecuted in a court of this state.\*

#### USE OF A DEADLY WEAPON TO COMMIT A FELONY

Using a knife, brass or iron knuckles, or any other deadly weapon (other than a firearm) to commit any felony which may be prosecuted in a court of this state.\*

\* See statute for full list of "deadly weapons," offenses, and penalties.

### CLASS IC FELONY

#### USE OF A DEADLY WEAPON TO COMMIT A FELONY

Using a firearm to commit any felony which may be prosecuted in a court of this state.\*

\* See statute for full list of "deadly weapons," offenses, and penalties.

#### DISCHARGE OF A FIREARM IN CERTAIN CITIES AND COUNTIES

Within the territorial boundaries of any city of the first class or county containing a city of the metropolitan class or primary class: unlawfully, knowingly, and intentionally, or recklessly discharging a firearm while in any motor vehicle or in the proximity of any motor vehicle that such person has just exited, at or in the general direction of any person, dwelling, building, structure, occupied motor vehicle, occupied aircraft, inhabited motor home, or inhabited camper unit.

### CLASS IB FELONY

#### MURDER IN THE SECOND DEGREE

Intentionally causing the death of a person without premeditation.

### CLASS IA FELONY

&

### CLASS I FELONY

#### MURDER IN THE FIRST DEGREE

Killing another person: purposely and with deliberate and premeditated malice; OR in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary; OR by administering poison or causing the same to be done; OR if by willful and corrupt perjury or subornation of the same, purposely procuring the conviction and execution of any innocent person.\*

\* See statute for aggravating factors which could lead to the imposition of the death penalty upon a guilty finding.

## PUNISHMENT

**CLASS II FELONY:** 1 TO 50 YEARS IN PRISON.

**CLASS IC FELONY:** 5 TO 50 YEARS IN PRISON.

**CLASS IB FELONY:** 20 YEARS TO LIFE IN PRISON.

**CLASS IA FELONY:** LIFE IN PRISON.

**CLASS I FELONY:** DEATH PENALTY.



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# BY WHAT STANDARD WILL THE LAW JUDGE MY ACTIONS...

IF I USE DEADLY FORCE?

**ACTIONS ARE  
LEGALLY JUSTIFIED**

**IF**

**YOU REASONABLY BELIEVE YOU ARE  
THREATENED WITH...**



**DEATH OR SERIOUS BODILY INJURY**



**WHAT IS REASONABLE? WHO DECIDES?**

The law will judge your actions (i.e., use of deadly force) by using the reasonable belief standard. That is – you must have a reasonable and good faith belief in the necessity of using force. Additionally, force must be immediately necessary and justified. Deadly force in self-defense is justified if you have a reasonable belief to believe that you were threatened with death or serious bodily injury, even if your belief was mistaken. If the legal system (ultimately this could be a jury) determines that you had a reasonable belief, then you were legally justified in using deadly force. However, juries, judges, and prosecutors are human beings, and people can have vastly different ideas of how a reasonable person should act under any given circumstances. This is particularly true if asked to decide whether deadly force was justified. Neb. Rev. Stat. § 28-1409; *State v. Miller*, 798 N.W.2d 827 (Neb. 2011).



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# WHEN IS IT NOT A CRIME?

## LEGAL JUSTIFICATION OF DEADLY FORCE

### IN NEBRASKA

Legal justification is a set of circumstances that the law says is a valid reason for a person doing something that would otherwise be a crime.

#### LEGAL JUSTIFICATION OF DEADLY FORCE



As a general rule, it is illegal to shoot someone. However, if done under a particular set of circumstances (e.g., self-defense, defense of others, etc.), the law states a person is justified to use deadly force against another.

#### WHAT IS BODILY INJURY?

**Bodily Injury:** Physical pain, illness, or any impairment of physical condition. Neb. Rev. Stat. § 28-109(4).

#### WHAT IS SERIOUS BODILY INJURY?

**Serious Bodily Injury:** Bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body. Neb. Rev. Stat. § 28-109(21).

#### WHAT IS DEADLY PHYSICAL FORCE?

**Deadly Physical Force:** Force, the intended, natural, and probable consequence of which is to produce death, or which does, in fact, produce death. Neb. Rev. Stat. § 28-109(7).

#### WHAT IS DEADLY FORCE?

**Deadly Force:** Force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, shall not constitute deadly force. Neb. Rev. Stat. § 28-1406(3).



# INVOKE YOUR LEGAL RIGHTS!

## WHAT TO DO AFTER BANG!

COUNTLESS MEN AND WOMEN HAVE SACRIFICED THEIR LIVES AND FORTUNES SO THAT WE AMERICANS MAY HAVE LEGAL RIGHTS — DON'T WAIVE THEM. IF YOU'RE INVOLVED IN A SHOOTING, YOU MAY NEED EVERY LEGAL RIGHT AVAILABLE.

- Make sure the threat has been controlled.
- Call 911.
- Return the firearm to safe keeping if possible.
- Do not disturb the scene.
- **CALL YOUR LAWYER!**
- When police arrive, comply with all commands in a non-threatening manner, keeping your hands clearly visible. The police do not know who the good guys and bad guys are when they first arrive.
- Inform police that you have been a victim of a crime. State to the police: **"I WISH TO INVOKE MY RIGHT TO REMAIN SILENT, AND I WANT TO CONSULT MY ATTORNEY BEFORE MAKING ANY STATEMENTS."**
- Make no statement to anyone about the incident; wait to talk to your attorney.
- If asked to accompany law enforcement, comply, but make no statements.
- Do not make jokes or cute remarks. Remain silent, even if you believe you have done nothing wrong.



### THE 911 CALL

If you use your gun, dial 911 and get medical and police assistance. However, the only information that the 911 dispatcher needs to know from YOU is your name, the location of the emergency, what assistance is needed, and that you have been a victim of a crime. DO NOT DISCUSS WHAT HAPPENED WITH THE OPERATOR! All calls are recorded.



### DON'T GIVE A STATEMENT

Talk to your lawyer before you make any statements about a shooting. If what you say does not match the physical or material evidence at the scene, you may have a huge problem regardless of how innocent your mistake may be. Your freedom, liberty, and fortune are at risk, so invoke your right to remain silent and your right to a lawyer.



### THE ROLE OF THE POLICE

Law enforcement's main job after a shooting is to investigate. Remember, what you say to the police can and WILL be used against you. *Note:* the U.S. Supreme Court, in 2010, held that a police interrogation may go on indefinitely until you invoke your legal rights—so **INVOKE YOUR RIGHTS!**



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# LAW OF SELF-DEFENSE

WHEN CAN YOU LEGALLY USE DEADLY FORCE?

## IN NEBRASKA

DEADLY FORCE IS LEGALLY JUSTIFIED WHEN YOU REASONABLY BELIEVE IT IS NECESSARY TO PREVENT...



1  
DEATH



2  
SERIOUS BODILY HARM



3  
KIDNAPPING



4  
SEXUAL INTERCOURSE COMPELLED BY FORCE OR THREAT



Under Nebraska law, you are justified in using deadly force when you believe that such force is necessary to protect yourself against death, serious bodily harm, kidnapping, or sexual intercourse compelled by force or threat unless you, with the purpose to cause death or serious bodily injury, provoked the use of force, or you can retreat with complete safety from any place other than your home or work. Neb. Rev. Stat. § 28-1409(4).





# LAW OF DEFENSE OF OTHERS

WHEN CAN YOU LEGALLY USE DEADLY FORCE?

## IN NEBRASKA

DEADLY FORCE IS LEGALLY JUSTIFIED WHEN YOU  
REASONABLY BELIEVE IT IS NECESSARY TO PREVENT...

**YOU**

**1**  
DEATH

**2**  
SERIOUS  
BODILY HARM

**3**  
KIDNAPPING

**4**  
SEXUAL  
INTERCOURSE  
COMPELLED BY  
FORCE OR THREAT

**VICTIM**



Under Nebraska law, you are justified in using deadly force to protect a third person when: (a) you would be justified in using such deadly force to protect yourself against the injury you believe to be threatened to the third person; (b) under the circumstances as you believe them to be, the third person would be justified in using such protective force; and (c) you believe that your intervention is necessary for the protection of the third person, but you may not use deadly force if you believe the third person can retreat with complete safety from any place other than their home or work. Neb. Rev. Stat. § 28-1410.



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# PROTECTION OF YOUR PROPERTY

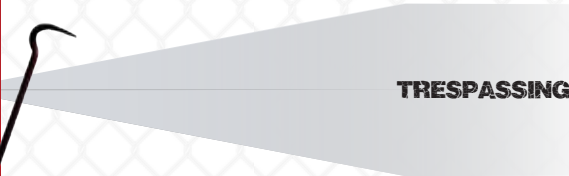
WHEN CAN YOU LEGALLY USE DEADLY FORCE?

## IN NEBRASKA

PERPETRATOR

DON'T SHOOT! Deadly Force is **NOT** Legally Justified!

YOU



Deadly Force is **NOT** Legally Justified



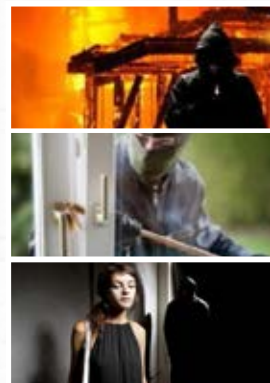
The use of force is justifiable when you believe that such force is immediately necessary: (a) to prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible, movable property; provided, that such land or movable property is, or is believed by you to be, in your possession or in the possession of another person for whose protection you act; or (b) to effect an entry or reentry upon land or to retake tangible movable property; provided, that you believe that you or the person by whose authority you act was unlawfully dispossessed of such land or movable property and is entitled to possession; and provided further, that: (i) the force is used immediately or on fresh pursuit after such dispossession; or (ii) you believe that the perpetrator has no claim of right to the possession of the property and, in the case of land, the circumstances, as you believe them to be, are of such urgency that it would be an exceptional hardship to postpone the entry or reentry until a court order is obtained. Neb. Rev. Stat. § 28-141(1).

PERPETRATOR

Deadly Force **IS** Legally Justified!

YOU

Commits or Attempts to Commit...



The use of deadly force is justified if you believe that: (a) the perpetrator is attempting to dispossess you of your dwelling otherwise than under a claim of right to its possession; or (b) the perpetrator is attempting to commit or consummate arson, burglary, robbery or other felonious theft, or property destruction and either: (i) has employed or threatened deadly force against or in the presence of you; or (ii) the use of force other than deadly force to prevent the commission or the consummation of the crime would expose you or another in your presence to substantial danger of serious bodily harm. Neb. Rev. Stat. § 28-141(6).



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# WHEN CAN YOU PROTECT SOMEONE ELSE'S PROPERTY...

WITH DEADLY FORCE?



## PROTECTION OF A THIRD PARTY'S PROPERTY

A person may use force, NOT deadly force, if they reasonably believe it is immediately necessary: to prevent or terminate an unlawful entry or other trespass upon another's land or a trespass against or the unlawful carrying away of tangible, movable property if believed by the actor to be in the possession of another person; OR assist in the reentry upon land or retaking of tangible movable property; provided the third party is entitled to possession of the property and the force is used immediately or on fresh pursuit after such dispossession or an urgency exists that a delay in recovery would cause an exceptional hardship.\*

\* See statute for further details.



Neb. Rev. Stat. § 28-1411



# PROTECTION AGAINST ANIMALS

Nebraska provides a statutory exemption for using reasonable force against an animal, other than a working police animal, including killing, capture, or restraint, if the animal, while outside its owner's property, injures or poses an immediate threat to you, another person, or other animal. Neb. Rev. Stat. § 28-1013(6). "Animal" does not include an uncaptured wild creature or a livestock animal. Neb. Rev. Stat. § 28-1008(2). However, under Neb. Rev. Stat. § 54-604, you have the right to kill any dog found killing, wounding, injuring, worrying, or chasing your sheep or domestic animal(s), if you have just and reasonable grounds to believe that such dog has been killing, wounding, chasing, or worrying such sheep or animal.\*

\* See statute for further details.



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# THEFT AND ROBBERY

EXPLANATION OF SELECT CRIMES

## IN NEBRASKA



### THEFT

### THE CRIME OF THEFT



Neb. Rev. Stat. § 28-511

Theft occurs when a perpetrator...

**Takes or exercises control over another's moveable property with the intent to deprive;**

**OR**

**Transfers another's immovable property or any interest therein with the intent to benefit himself or herself or another not entitled thereto.**

*\* This is only a partial list. See statute for full list.*

### ROBBERY

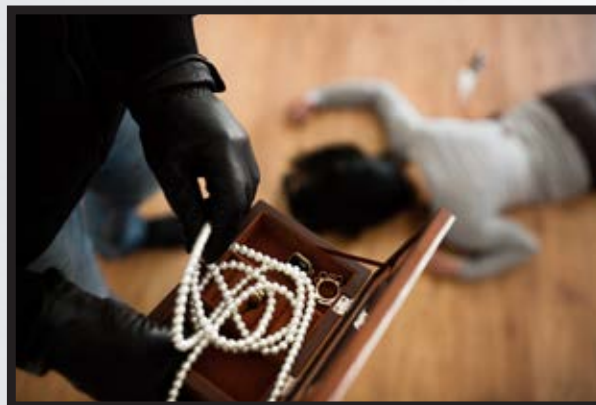
### THE CRIME OF ROBBERY



Neb. Rev. Stat. § 28-324

Robbery occurs when a perpetrator...

**With the intent to steal, forcibly and by violence, or by putting in fear, takes money or personal property from the person of another.**





# BURGLARY

THE CRIME OF BURGLARY

## IN NEBRASKA

BURGLARY OCCURS WHEN A PERPETRATOR...

WILLFULLY + MALICIOUSLY + FORCIBLY

# BREAKS & ENTERS

INTO

Any real estate or any improvements erected thereon,



WITH...

The intent to

**COMMIT  
A  
FELONY**

OR

The intent to

**STEAL  
PROPERTY.**



Neb. Rev. Stat. § 28-507



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# ASSAULT

THE CRIME OF ASSAULT

## IN NEBRASKA

### ASSAULT IN THE 3RD DEGREE OCCURS WHEN A PERPETRATOR...



Neb. Rev. Stat. § 28-310

Intentionally, knowingly, or recklessly causes bodily injury to another person;

**OR**

Threatens another in a menacing manner.

### ASSAULT IN THE 2ND DEGREE OCCURS WHEN A PERPETRATOR...



Neb. Rev. Stat. § 28-309

Intentionally or knowingly causes bodily injury to another person with a dangerous instrument;

**OR**

Recklessly causes serious bodily injury to another person with a dangerous instrument.

\* This is only a partial list. See statute for full list.

### ASSAULT IN THE 1ST DEGREE OCCURS WHEN A PERPETRATOR...



Neb. Rev. Stat. § 28-308

Intentionally or knowingly causes serious bodily injury to another person.



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# YOU HAVE A DUTY TO RETREAT!

AM I LEGALLY REQUIRED TO RETREAT?

## IN NEBRASKA

■ The words “Stand Your Ground” are not found in the Nebraska Revised Statutes. “Stand Your Ground” is the popular name for a legal doctrine referred to in the law as “No Duty to Retreat.” Nebraska does NOT have a “Stand Your Ground” law. *State v. White*, 819 N.W.2d 473 (Neb. App. 2012).

**NEBRASKA  
LAW PROVIDES**

**YOU MUST  
RETREAT**

**BEFORE USING  
DEADLY FORCE**

**UNLESS:**



a reasonable person;



in the same circumstances;



would have a belief that retreat  
could not be safely accomplished.



A person is not obliged to retreat from his dwelling or place of work unless he is the initial aggressor or he is assailed by his co-worker. Neb. Rev. Stat. § 28-1409(4)(b)(i).



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# THE CASTLE DOCTRINE

## USE OF DEADLY FORCE UNDER THE CASTLE DOCTRINE IN NEBRASKA



The “Castle Doctrine” is the popular name for a legal philosophy that every person, as the “King” or “Queen” of their own home, never has to flee the castle before using deadly force against an intruder. Nebraska’s version of the “Castle Doctrine” can be found in Neb. Rev. Stat. § 28-1409(4)(b)(i).

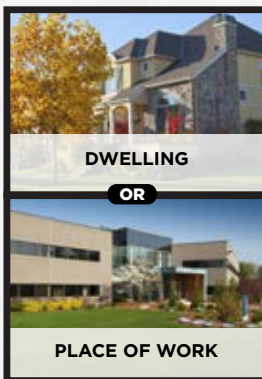
### WHEN DO I GET THE PROTECTION OF THE “CASTLE DOCTRINE”?

**IF**

You reasonably believe that deadly force is necessary to protect yourself against death, serious bodily harm, kidnapping or sexual intercourse compelled by force or threat...

**AND**

You are in your...



**THEN**

You have no duty to retreat, unless you are the initial aggressor or you are assailed in your place of work by another person who works in that place.



Neb. Rev. Stat. § 28-1409(4)(b)(i)



### WHAT IS CONSIDERED A DWELLING?

**Dwelling:** A building or other thing which is used, or intended to be used, or usually used by a person for habitation. Neb. Rev. Stat. § 28-109(10).



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# WHERE AM I LEGALLY ALLOWED TO CARRY CONCEALED?

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 permitholders 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 its total income from the sale of alcohol, if the permitholder 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.

\* Permitholders 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-permitholders 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.

\*\* Permitholders will not be penalized unless the controlling authority of the property has posted conspicuous notice or has asked the permitholder to remove their concealed handgun from the property.

\*\*\* 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. Neb. Rev. Stat. § 69-2441.



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# CIVIL LIABILITY

## YOU'RE NOT OUT OF THE WOODS YET

### TWO INDEPENDENT LEGAL SYSTEMS

#### CRIMINAL SYSTEM



**THE STATE  
vs.  
YOU**

Seeking  
to Deprive Freedom



#### CIVIL SYSTEM

**ANOTHER  
vs.  
YOU**



Seeking  
Monetary Compensation



### THE LAW

Nebraska law provides that a person who acts in justified self-defense under the Nebraska Revised Statutes §§ 28-1406 to 28-1416 shall have a defense in any civil action for assault and battery or intentional wrongful death. This defense is a bar to recovery. Stated differently, this defense makes a person who acted in justified self-defense immune from civil damages. *Allstate Ins. Co. v. Novak*, 313 N.W.2d 636 (Neb. 1981).

### WHAT IT'S NOT

It is a common misconception that if you have used justified force or deadly force that the law provides complete protection or “immunity” from the civil legal system. It does not. It is NOT an immunity from people suing you.

In addition, if the criminal justice system has not made a determination of your justification for the use of deadly force, the issue will have to be decided by a civil trial judge and/or jury. Thus, the necessity for this determination of justification will force you deeper into the civil law system.



**Note to  
U.S. LawShield® Members:**

**All of your attorneys'  
fees are covered for both the  
criminal and civil systems.**

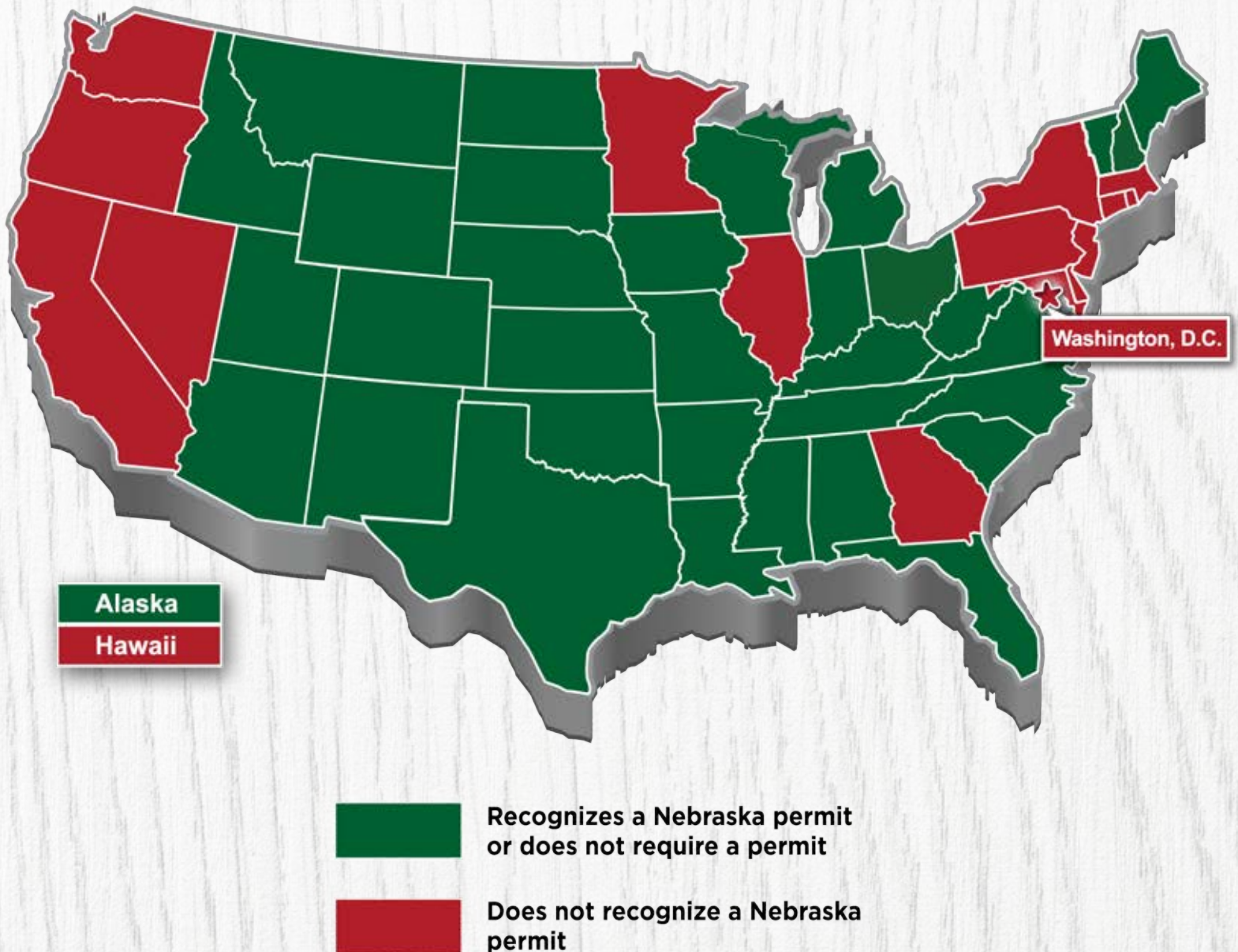
**WE DEFEND YOUR  
RIGHT TO BEAR ARMS**





# NEBRASKA RECIPROCITY MAP

## Which States Recognize a Nebraska Concealed Handgun Permit?



Important Note: There may be additional restrictions on carrying a handgun in states that do not require a license or permit (e.g., must be 21 years of age or older, must not otherwise be prohibited from possessing a firearm, etc.). **CHECK THE LAW BEFORE YOU TRAVEL.**



# TRAVEL AND FIREARMS

IF YOU ARE NOT IN NEBRASKA



## YOU ARE LEAVING NEBRASKA

Nebraska and Nebraskans are unique in this world. As you might expect, gun laws in Nebraska are also unique. Our state's firearms laws, in some manners, are more restrictive than other states by comparison. In other circumstances, Nebraska laws are less restrictive. If travel plans take you beyond the borders of the Cornhusker State, and you wish to continue exercising your 2nd Amendment rights in one of the other states in the Union, familiarize yourself with that state's laws! When you are in another state, you are subject to that state's laws. There is no standardization of gun laws within the 50 individual states (not to mention Native American Reservations and Lands). Even states that are thought of as "gun friendly" can have peculiar quirks in their firearms laws. For example:

### **COLORADO**

Colorado prohibits possession of "large-capacity magazine[s]" which are detachable magazines capable of accepting (or readily convertible to accept) more than fifteen rounds of ammunition.

### **KANSAS**

Kansas law prohibits open carrying of handguns in some areas such as the state capitol and state offices.

## EACH STATE HAS DIFFERENT GUN LAWS

The firearms laws of the various states are usually found on that state's chief law enforcement department, attorney general, or department of justice website. If you are traveling to or through a state that does not honor a Nebraska permit, it is imperative that you check the laws of that state concerning legally traveling with a firearm. States that do not recognize a Nebraska permit might strictly prohibit possession of firearms, certain magazines, or ammunition. Traveling to these states can be a costly mistake resulting in felony charges and imprisonment. If you are only traveling through one of these states, you may be eligible for protections under 18 U.S.C. § 926A (see below). Take the time to know the law!

"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.







LEGAL DEFENSE®  
FOR  
SELF DEFENSE

# WHAT IS U.S. LAWSHIELD?

The U.S. LawShield Legal Defense for Self Defense Program is dedicated to preserving the Constitutional rights of self-preservation for all persons in Nebraska and ensuring legal representation for our members who have to use a firearm or other legal weapon. In addition, a cornerstone of our program is education in self-defense law. An informed citizenry is essential to preserve our country's rich heritage and all of our rights.

## UNDERSTANDING YOUR BOOKLET

This booklet is a guide to when you may or may not use deadly force in Nebraska; it demystifies the criminal process, attempts to explain some otherwise murky legal concepts, and most importantly, helps you identify when you may use deadly force to defend yourself, others, or property. Prepared by a team of lawyers and industry experts, this booklet is the result of extensive legal research and real-world experience dealing with the system. It was written by lawyers who work in this area on a daily basis and have extensive experience with firearms and the law relating to firearms. This wealth of knowledge has been distilled into this booklet, which provides concepts and rules of law in a simple and understandable format.

With that said, this booklet is not a substitute for a lawyer. Many volumes of books have been written on these topics, and one could spend many lifetimes studying these complex issues of law. As such, we have attempted to condense these points into a digestible format that can be read within a reasonable time frame, but there are complex nuances in the laws that are not all covered. This booklet is not all-encompassing. This booklet is instead an aid, a starting foundation helping you with the first steps of your journey to understand the legal system and laws pertaining to the use of deadly force.

*Any of the information in this booklet is solely a general legal discussion of the law of Nebraska and should not be considered as giving legal advice, nor creating an attorney-client relationship. This booklet is not a substitute for legal advice on any particular situation. Your situation may be different, so contact an attorney regarding your personal circumstances. Only a licensed attorney may give you legal advice.*

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