



City of Omaha
Jim Suttle, Mayor

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CITY OF OMAHA
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Alexis N. Hayes
Chief of Police

Omaha Police Department
"To Serve and Protect"

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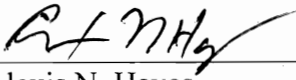
Honorable President

and Members of the City Council,

Transmitted herewith is an Ordinance amending Chapter 20 of the Omaha Municipal Code, Article VII, Divisions 1 and 2 regarding Firearm Registration. The purpose of this Ordinance change is to make the City ordinances consistent with State and Federal laws regarding gun registration. In addition, there is a new section added to encourage voluntary registration of weapons.

Respectfully submitted,

Referred to City Council for Consideration



Alexis N. Hayes
Chief of Police

9-29-11
Date



Mayor's Office

9/30/2011
Date

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ORDINANCE NO. _____

AN ORDINANCE to amend Chapter 20 of the Omaha Municipal Code entitled "Offenses" by amending Article VII entitled "Weapons," Division 1 entitled "Generally," and Division 2 entitled "Firearm Registration"; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Chapter 20, entitled "Offenses," Article VII entitled "Weapons," Division 1, entitled "Generally" of the Omaha Municipal Code, is hereby amended to read as follows:

Sec. 20-206. Carrying weapons.

(a) As provided in section 20-192, the carrying of a concealed weapon is expressly forbidden unless the person carrying the weapon has a valid permit issued by the State of Nebraska under the Concealed Handgun Permit Act.

(b) In all other cases, it shall be unlawful for a person to go armed with a loaded concealable firearm of any kind or to knowingly carry or transport a concealable firearm in a motor vehicle, provided, however, that this section shall not apply to the following persons:

- (1) Persons lawfully entitled to possess a firearm while upon the premises where he or she regular resides or is regularly employed.
- (2) Peace officers.
- (3) Members of the armed forces of the United States, the National Guard, or the Reserve Officer Training Corps when on duty or training.
- (4) Persons who for any lawful purpose carry an unloaded concealable firearm inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.
- (5) Persons who for any lawful purposes carry or transport an unloaded concealable firearm in a vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the concealable fire arm will not be readily accessible to any person riding in the vehicle or common carrier.

- (6) Persons in or upon a shooting range or the regular business premises of a federally and city licensed firearms dealer.
- (7) Persons engaged in a generally recognized course of instruction in the use of firearms, such as hunter safety instructions or instruction for the purpose of obtaining an identification card showing satisfactory completion of the firearm training program as set forth in section 20-207.
- (8) Persons who have verified to the city that they are entitled to a waiver of the firearm training program as set forth in section 20-207(k).
- (9) Persons who have obtained and display an identification card showing satisfactory completion of the firearm training program as set forth in section 20-207.
- (10) Persons possessing a valid permit to carry a concealed firearm under Nebraska Law.

Section 2. That Chapter 20, entitled "Offenses," Article VII, entitled "Weapons," Division 2, entitled "Firearm Registration," Section 20-251 entitled "Required" of the Omaha Municipal Code, is hereby amended to read as follows:

Sec. 20-251. Required.

(a) It shall be unlawful for any person to own, have possession of, or maintain control over any concealable firearm which has not been registered to said person with the chief of police in accordance with this division, except when (i) such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered; or (ii) the owner, possessor or transporter holds a valid permit issued by the State of Nebraska under the Concealed Handgun Permit Act.

(b) A corporation, including a body corporate created by Nebraska statute, may register a concealable firearm in its corporate name. However, the corporation may consent to a person possessing or controlling the corporation's registered concealable firearm only if that person:

- (1) Is a part-time or full-time employee of the corporation;
- (2) Is acting within the scope of his or her employment with the corporation; and,
- (3) Possesses a current identification card issued pursuant to section 20-208 upon satisfaction of the requirements of section 20-207.

Section 3. That Chapter 20, entitled "Offenses," Article VII, entitled "Weapons," Division 2, entitled "Firearm Registration," Section 20-253 entitled "Application" of the Omaha Municipal Code, is hereby amended to read as follows:

Sec. 20-253. Application.

(a) Any person desiring to register a concealable firearm shall make an application to the chief of police stating therein that he or she holds the qualifications to register a concealable firearm in accordance with this section.

(b) The chief of police will conduct an investigation to determine if the applicant is qualified to register the firearm. A concealable firearm may not be registered to any person who:

- (1) Is currently the subject of an active protection order.
- (2) Has provided false information on the registration request.
- (3) Has a conviction of an offense listed below which has not been pardoned or set aside under any state or federal law:
 - a. Any felony;
 - b. Carrying a concealed weapon, ~~or~~ being a minor in possession of a concealable firearm or violation of any provision of Chapter 20, article VII of the Omaha Municipal Code in the ten years preceding the date of application;
 - c. ~~Within the previous five ten years preceding application, assault, child abuse, or violation of any provision of Chapter 20, article VII of the Omaha Municipal Code. Pled guilty to, pled nolo contendere to, or been convicted of a crime of violence under the laws of this state or under the laws of any other jurisdiction.~~
- (4) Has been convicted of any charge of domestic violence, including stalking or harassment.
- (5) Has been adjudicated in the previous ten years to be a mentally ill and dangerous person under the Nebraska Mental Health Commitment Act or a similar law of another jurisdiction or is currently adjudged mentally incompetent a record of mental disorder which would show the applicant to be a danger to self or to others.

- (6) Is a fugitive from justice in this state or any other jurisdiction, or is on parole, probation, house arrest or work release.
- (7) Has been dishonorably discharged from the United States Armed Forces.
- (8) Is a current user of, or addicted to, unlawful controlled substances, or has had a violation of any law of this state relating to controlled substances or any similar laws of another jurisdiction in the ten years preceding the date of application.
- (9) ~~Is not a citizen of the United States~~ an alien not lawfully admitted under a non-immigrant visa (illegal alien).
- (10) Is under the age of 21 years.

(c) A registration fee of \$105.00 shall accompany each application made to the chief of police for each concealable firearm. The fee will be applied to the administrative costs of processing the application.

Section 4. That Chapter 20, entitled "Offenses," Article VII, entitled "Weapons," Division 2, entitled "Firearm Registration," adding a new Section 20-259 entitled "Voluntary Registration" of the Omaha Municipal Code, is hereby to read as follows:

Sec. 20-259. Voluntary Registration.

Any person, who would otherwise be exempt from mandatory registration under this division, may nonetheless register any firearm with the chief of police.

- (a) Persons who have a valid permit issued by the State of Nebraska pursuant to the Concealed Handgun Permit Act may register a concealable firearm by presenting a valid permit to the chief of police.
- (b) There will be no fee assessed for the voluntary registration of weapons under this section.

Section 5. This ordinance shall be in full force and take effect thirty (30) days from and after the date its passage.

INTRODUCED BY COUNCIL MEMBER

ORDINANCE NO. _____
Page 5

INTRODUCED BY COUNCIL MEMBER

APPROVED BY:

MAYOR OF THE CITY OF OMAHA DATE

PASSED _____

ATTEST:

CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY DATE 9/29/11