

City of Omaha
Mike Fahey, Mayor

RECEIVED

06 JUN 23 PM 2:58

CITY OF OMAHA
OMAHA, NEBRASKA

Law Department

Prosecution Division

Hall of Justice
17 & Farnam Street, 2 West
Omaha, Nebraska 68183
(402) 444-5290

Martin J. Conboy III
City Prosecutor

J. Michael Tesar
Chief Deputy City Prosecutor

Honorable President

and Members of the City Council,

The attached Ordinance has been prepared at the request of Councilmembers Sigerson, Thompson, and Germandt. The Ordinance amends the Code sections regulating carrying concealed weapons and concealable firearms.

During the last legislative session the Legislature made changes to the statutes prohibiting the carrying of concealed weapons and firearms so as to allow certain persons who receive state-issued permits to carry concealed handguns. That legislation allowed cities to prohibit that conduct within the city, as the City of Omaha has done for many years. The attached Ordinance eliminates the City's prohibition for persons who receive a concealed handgun permit from the state and allows those persons to carry concealed handguns within the City.

Respectfully submitted,

Martin J. Conboy III
City Prosecutor

P:\LAW\14216pjm.doc

ORDINANCE NO. 31432

1 AN ORDINANCE to amend Chapter 20, Article VII, Division 1, of the Omaha Municipal Code
2 regulating Weapons; to amend sections 20-192 and 20-206 creating the offenses Carrying
3 Concealed Weapons and Carrying Weapons; to change the provisions so as to permit
4 conduct authorized by newly revised state law; to repeal sections 20-192 and 20-206 as
5 heretofore existing; and to provide for the effective date thereof.

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

7 Section 1. Section 20-192 of the Omaha Municipal Code is hereby amended to read as
8 follows:

9 Sec. 20-192. Carrying concealed weapon.

10 It shall be unlawful for any person except an authorized law enforcement
11 officer purposely or knowingly to carry a weapon concealed on or about his
12 person. On or after January 1, 2007, any person possessing a lawful permit issued
13 by the State of Nebraska authorizing the carrying of concealed handguns shall be
14 permitted to carry such a concealed handgun in the City of Omaha as permitted by
15 State law.

16
17 Section 2. Section 20-206 of the Omaha Municipal Code is hereby amended to read as
18 follows:

19 Sec. 20-206. Carrying weapons.

20
21 (a) As provided in section 20-192, the carrying of a concealed weapon is
22 expressly forbidden.

23
24 (b) In all other cases, it shall be unlawful for a person to go armed with a
25 loaded concealable firearm of any kind or to knowingly carry or transport a
26 concealable firearm in motor vehicle, provided, however, that this section shall
27 not apply to the following persons:

28
29 (1) Persons lawfully entitled to possess a firearm while upon the
30 premises where he or she regularly resides or is regularly
31 employed.

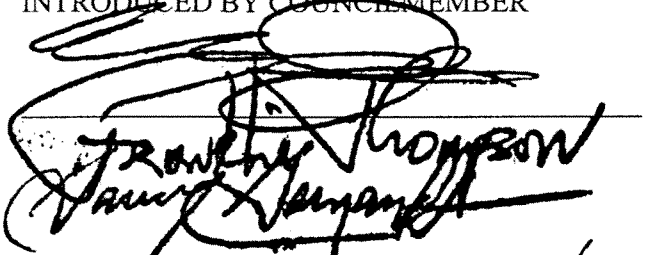
32
33 (2) Peace officers.

- 1 (3) Members of the armed forces of the United States, the National
2 Guard, or the Reserve Officer Training Corps when on duty or
3 training.
- 4
- 5 (4) Persons who for any lawful purpose carry an unloaded concealable
6 firearm inside a closed and fastened container or securely wrapped
7 package which is too large to be concealed on the persons.
- 8
- 9 (5) Persons who for any lawful purpose carry or transport an unloaded
10 concealable firearm in a vehicle inside a closed and fastened
11 container or securely wrapped package which is too large to be
12 concealed on the person or inside a cargo or luggage compartment
13 where the concealable firearm will not be readily accessible to any
14 person riding in the vehicle or common carrier.
- 15
- 16 (6) Persons in or upon a shooting range or the regular business
17 premises of a federally and city licensed firearms dealer.
- 18
- 19 (7) Persons engaged in a generally recognized course of instruction in
20 the use of firearms, such as hunter safety instructions or instruction
21 for the purpose of obtaining an identification card showing
22 satisfactory completion of the firearm training program as set forth
23 in section 20-207.
- 24
- 25 (8) Persons who have verified to the city that they are entitled to a
26 waiver of the firearm training program as set forth in section 20-
27 207(k).
- 28
- 29 (9) Persons who have obtained and display an identification card
30 showing satisfactory completion of the firearm training program as
31 set forth in section 20-207.
- 32
- 33 (10) Persons possessing a valid permit to carry a concealed firearm
34 under Nebraska Law.
- 35

36 Section 3. Sections 20-192 and 20-206 of the Omaha Municipal code as heretofore
37 existing are hereby repealed.

1 Section 4. This Ordinance shall be in full force and take effect fifteen (15) days from and
2 after the date of its passage.

INTRODUCED BY COUNCIL MEMBER


Franky Thompson
Mayor

APPROVED BY:

~~VETOED~~
MAYOR OF THE CITY OF OMAHA DATE 7/26/06

PASSED JUL 18 2006 5-2 Ays: Brown, Suttle

ATTEST: AUG - 1 2006 - Motion to override the Mayor's Veto. Carried 5-0
Ays: Gernandt, Sigerson, Thompson, Vokal, Welch
Ays: Brown, Suttle.


CITY CLERK OF THE CITY OF OMAHA DATE 7/26/06

APPROVED AS TO FORM:


CITY PROSECUTOR DATE 6-23-06

ORDINANCE NO. 59432

AN ORDINANCE to amend Chapter 20, Article VII, Division 1, of the Omaha Municipal Code regulating Weapons; to amend sections 20-192 and 20-206 creating the offenses Carrying Concealed Weapons and Carrying Weapons; to change the provisions so as to permit conduct authorized by newly revised state law; to repeal sections 20-192 and 20-206 as heretofore existing; and to provide for the effective date thereof.

52 ✓

PRESENTED TO COUNCIL

1st Reading JUN 27 2006 - Hearing
Public Ordinance to City Council
Rule 11 H

Hearing JUL 11 2006 - Over to
11/1/06

Final Reading JUL 18 2006

Ordinance read
Amendment by Motion by Brown to approve.
Seconded by Suttle
Councilmembers Brown withdraws his motion,
Councilmember Suttle AUSTER BROWN
City Clerk withdraws his second.

JUL 18 2006 Continued -
Motion by Brown to lay over 4 weeks
to 8/15/06. Seconded by Suttle.
Motion by Sigerson to Call for the
Question. Seconded by Thompson.
Carried 7-0
Motion to lay over 4 weeks to
8/15/06 Lost 2-5
yeas: Brown, Suttle
Passed 5-2
Nays: Brown, Suttle
AUG - 1 2006 - Motion to override
the Mayor's veto Carried 5-2
yeas: Bernandt, Sigerson,
Thompson, Votal, Wlebel
Nays: Brown, Suttle

PUBLICATIONS

PUBLICATION OF HEARING

Date 6-30-06

PUBLICATION OF ORDINANCE

Date _____