



Gun Regulations ***December 2014***

The information contained herein is not intended to be used in place of any applicable Federal or State Statutes or local Municipal Ordinances. This booklet should not be relied upon in place of those applicable laws. Individuals are required to check the legality regarding any of their actions concerning weapons.

This information page will answer some of your questions about gun regulations within Kearney, Buffalo County and the State of Nebraska. If you have specific questions not covered in this information page, we would suggest calling the Nebraska State Patrol at 402-479-4971.

The term "firearm" means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an [antique firearm](#).

A handgun is designated as any firearm that is less than 16 inches in length and can be fired using one hand.

In the State of Nebraska, any person 21 years or older is required to have a Firearm Certificate to purchase, lease, rent, or receive transfer of a handgun from anyone (private or business). See [Exceptions for Required Firearm Certificate](#). It is illegal to sell, lease, rent or transfer a handgun to anyone who has not obtained a certificate.

Residents of the City of Kearney and Buffalo County may apply for a Handgun Purchase Permit at the Records Department which is located in the Kearney/Buffalo County Law Enforcement Center, 2025 Avenue A. The Buffalo County Sheriff's Office accepts and processes applications from anyone that lives outside the city limits, while Kearney Police Department accepts and processes applications from anyone that lives inside the city limits. If you are unable to apply at the Kearney/Buffalo County Law Enforcement Center, please call 308-233-5250 for directions to apply.

If you are a college student, you must apply with the jurisdiction of your permanent residence or the address on your Operators License or Identification card.

The cost is \$5.00 for a certificate and requires three (3) business days to process. The processed permit may be picked up at the Kearney/Buffalo County Law Enforcement Center Records Department. A Nebraska Operators License, Nebraska State Identification Card, or Military ID with proof of residency must be used to verify the identity of the applicant. The name and address on the Nebraska Operators License or Identification Card must have the same name and address as what is written on the application.

You can apply for a certificate at the Kearney Police Department, Monday through Friday, 7:00 a.m. to 5:30 p.m., excluding holidays.

A State and National Criminal History inquiry will be run on every applicant to determine any wanted notices or criminal history. If an application is denied, an explanation of the denial will be sent to the applicant, along with appeal instructions.

The Firearm Certificate is valid for three (3) years from the date of issuance, at which time it must be renewed if the person desires to purchase more guns. A Firearms Purchase Certificate can be revoked or canceled at any time if you violate any laws that make it necessary to recall said certificate.

GROUNDINGS FOR DENIAL OF A FIREARM CERTIFICATE

1. Incomplete application. All information requested on the application must be provided.
2. Application fee of \$5.00 not paid.
3. Applicant is a convicted felon. Any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
4. Applicant is a fugitive from justice or has active warrants for their arrest.
5. Applicant is an illegal drug user (user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug or any other controlled substance.)
6. Applicant is mentally ill. Any person found to be mentally defective by any court or who has been committed to any mental institution.
7. Applicant is an illegal alien.
8. Applicant was dishonorably discharged from the Armed Forces.
9. Applicant has renounced his or her United States citizenship.
10. Applicant did not apply in the county of residence.
11. Applicant has an active protection order against them.
12. Applicant has been convicted of stalking or other domestic violence related crimes.

NOTE: Providing false information on the application is a felony, punishable by a maximum five years in prison and \$10,000 fine. Selling or obtaining a handgun in violation of the law is a misdemeanor punishable by up to a year in jail and a \$1,000 fine.

EXCEPTIONS FOR REQUIRED FIREARM CERTIFICATE (69-2403)

The following are the only exceptions when a certificate **is not required**:

- (a) The person acquiring the handgun is a licensed firearms dealer under federal law;
- (b) The handgun is an antique handgun;
- (c) The person acquiring the handgun is authorized to do so, on behalf of a law enforcement agency;
- (d) The transfer is a temporary transfer of a handgun and the transferee remains (i) in the line of sight of the transferor or (ii) within the premises of an established shooting facility;
- (e) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent;
- (f) The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act; or
- (g) The person acquiring the handgun is a peace officer as defined in section 69-2429.

Effective November 30, 1998, all licensed gun dealers were required by Federal law to check for a valid FIREARMS CERTIFICATE before selling a long-barreled gun (shotgun or rifle) to a citizen. In the absence of a valid Firearms Certificate, the dealer was authorized to conduct an InstantCheck. The InstantCheck involves essentially the same criteria for validation as does the Firearms Certificate. All existing rules, regulations, State Statutes, and Federal Laws still apply. All citizens must now possess a valid Firearms Certificate, or pass an InstantCheck prior to purchasing a rifle or shotgun, effective November 30, 1998.

A FEW ANSWERS TO COMMONLY ASKED QUESTIONS

In Nebraska, State Statute prohibits felons from possessing firearms. It is a Federal and State felony for anyone who has been convicted of a felony offense to own or possess firearms unless they have received a Presidential pardon or granted a pardon by the Governor of a state or other state pardoning authority unless the restoration of civil rights expressly provides that the person may not ship, transport, possess or receive firearms, or did not fully restore the rights of the person to possess or receive firearms under the law of the jurisdiction where the conviction occurred.

IF YOU ARE A NONIMMIGRANT ALIEN, YOU MUST FALL UNDER THE FOLLOWING EXEMPTIONS UNDER 18 U.S.C. 922(Y)(2)

- (A) Admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;
- (B) An official representative of a foreign government who is—
 - (i) Accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - (ii) En route to or from another country to which that alien is accredited;
- (C) An official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or
- (D) A foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

COMMON NEBRASKA GUN LAWS

[28-1201. Terms, defined.](#)

[28-1202. Carrying concealed weapon; penalty; affirmative defense.](#)

[28-1203. Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception.](#)

[28-1204. Unlawful possession of a handgun; exceptions; penalty.](#)

[28-1206. Possession of a deadly weapon by a prohibited person; penalty.](#)

[28-1207. Possession of a defaced firearm; penalty.](#)

IF YOU HAVE QUESTIONS ABOUT THE CONCEAL CARRY LAW OR YOU WANT TO APPLY FOR A CONCEAL CARRY PERMIT, [CLICK HERE](#)

[Conceal Carry Permit FAQ](#)

OTHER IMPORTANT LINKS

[18 U.S.C. 922 FIREARMS UNLAWFUL ACTS](#)

[Gun Laws in Nebraska](#)