

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 9.36 of the Lincoln Municipal Code by adding
2 a new section numbered 9.36.130 to prohibit the carrying of concealed weapons and adding a new
3 section numbered 9.36.140 to provide definitions.

4 WHEREAS, the City of Lincoln, Nebraska is a home rule charter city authorized by
5 Nebraska Constitution Article XI, Section 5; and

6 WHEREAS, the Charter for the City of Lincoln, Nebraska authorizes the City of
7 Lincoln to make ordinances as may be necessary or expedient for maintaining peace, good
8 government and welfare of the City, preserving order, securing persons or property from violence,
9 danger, and destruction, for protecting public and private property, for promoting the public safety,
10 convenience, comfort and general interest and welfare of the inhabitants of the City and to enforce
11 such ordinances by providing for a fine or imprisonment or both; and

12 WHEREAS, the Lincoln City Council is empowered by Article I, Section 4 and
13 Article IV, Section 8 of the Charter of the City of Lincoln, Nebraska to pass, amend and repeal any
14 and all ordinances necessary to effect any provisions of the Charter of the City of Lincoln; and

15 WHEREAS, the City of Lincoln is also empowered by Neb. Rev. Stat. § 15-255 to
16 prevent the use of firearms and prohibit the carrying of concealed weapons; and

17 WHEREAS, the City Council believes that not allowing the carrying of concealed
18 weapons will further the specific purposes set forth above.

19 BE IT THEREFORE ORDAINED by the City Council of the City of Lincoln,
20 Nebraska:

1 Section 1. That Chapter 9.36 of the Lincoln Municipal Code be amended by adding
2 a new section numbered 9.36.130 to read as follows:

3 **9.36.130 Carry Concealed Weapon; Unlawful; Affirmative Defense.**

4 (a) It shall be unlawful for any person, except an authorized law enforcement officer who
5 is certified and commissioned pursuant to the laws of the State of Nebraska, to purposely or
6 knowingly carry a weapon concealed on or about his person.

7 (b) It shall be an affirmative defense that any person charged under this section was
8 engaged in any lawful business, employment or calling at the time he or she was carrying any
9 weapon or weapons and the circumstances in which such person was placed at that time were such
10 as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person,
11 property, or family.

12 (c) As part of the judgment of conviction of any person under this section, confiscation
13 of the weapon shall be ordered by the court.

14 Section 2. That Chapter 9.36 of the Lincoln Municipal Code be amended by adding
15 a new section numbered 9.36.140 to read as follows:

16 **9.36.140 Concealed Weapon; Definitions.**

17 (a) For the purposes of Section 9.36.130 of the Lincoln Municipal Code, unless the
18 context otherwise requires:

19 (1) Concealed weapon shall mean any firearm, stun gun, knife, switchblade knife,
20 any gun which releases any propelled object by spring mechanism, compressed air or compressed
21 gas, or any other instrument the use of which is intended or likely to cause death or bodily injury;

1 (2) Knife shall mean any dagger, dirk, knife, or stilleto with a blade over three
2 and one-half inches in length or any other dangerous instrument capable of inflicting cutting,
3 stabbing, or tearing wounds;

4 (3) Stun gun shall mean any handheld electronic device that is powered by an
5 internal power source such as batteries, and that is capable of introducing an electrical current into
6 the body of a person which when introduced to the body shall be capable of disrupting a person's
7 central nervous system and rendering the person temporarily incapable of normal functioning, for
8 any period of time whatsoever. The electrical current may be introduced into the human body by
9 means of direct pressure to the body from fixed electrodes on the electronic device and/or by one
10 or more electrodes attached to a length of wire or other connection and which upon being fired from
11 a firearm or any other mechanical device, strikes the human body and produces the reaction
12 described herein.

13 (b) All other terns in Section 9.36.130 not defined in this Section or in Chapter 9.36 of
14 the Lincoln Municipal Code shall be defined in accordance with Chapter 1.04 of the Lincoln
15 Municipal Code.

16 Section 3. That this ordinance shall take effect and be in force from and after its
17 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006: _____ Mayor
