

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 957**

Introduced by Cavanaugh, J., 9.

Read first time January 12, 2026

Committee:

- 1 A BILL FOR AN ACT relating to firearms; to amend section 28-1204.02,
- 2 Reissue Revised Statutes of Nebraska, sections 28-1201 and 28-1351,
- 3 Revised Statutes Cumulative Supplement, 2024, and section 28-101,
- 4 Revised Statutes Supplement, 2025; to provide a cause of action
- 5 against certain adults for allowing a minor to possess a handgun; to
- 6 provide for an offense of leaving a loaded firearm in an unsecured
- 7 location accessible to a minor; to define terms; to harmonize
- 8 provisions; and to repeal the original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1       **Section 1.** (1) For purposes of this section:

2       (a) Child means an individual under fourteen years of age; and

3       (b) Handgun has the same meaning as in section 28-1201.

4       (2) A parent or guardian of a child, or a spouse of such a parent or  
5 guardian, who knowingly allows a child to possess a handgun or handgun  
6 ammunition, except as permitted in subsection (2) of section 28-1204,  
7 shall be strictly liable to an injured party for all damages resulting  
8 from the use or possession of such handgun or ammunition.

9       **Sec. 2.** Section 28-101, Revised Statutes Supplement, 2025, is  
10 amended to read:

11       28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701  
12 and section 5 of this act shall be known and may be cited as the Nebraska  
13 Criminal Code.

14       **Sec. 3.** Section 28-1201, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16       28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 5  
17 of this act, unless the context otherwise requires:

18       (1) Case means (a) a hard-sided or soft-sided box, container, or  
19 receptacle intended or designed for the primary purpose of storing or  
20 transporting a firearm or (b) the firearm manufacturer's original  
21 packaging;

22       (2) Concealed handgun means a handgun that is entirely obscured from  
23 view. If any part of the handgun is capable of being seen or observed by  
24 another person, it is not a concealed handgun;

25       (3) Firearm means any weapon which is designed to or may readily be  
26 converted to expel any projectile by the action of an explosive or frame  
27 or receiver of any such weapon;

28       (4) Fugitive from justice means any person who has fled or is  
29 fleeing from any peace officer to avoid prosecution or incarceration for  
30 a felony;

31       (5) Handgun means any firearm with a barrel less than sixteen inches

1 in length or any firearm designed to be held and fired by the use of a  
2 single hand;

3 (6) Home school means a school which: (a) Elects pursuant to section  
4 79-1601 not to meet accreditation or approval requirements; and (b) is  
5 located in a personal residence;

6 (7) Juvenile means any person under the age of eighteen years;

7 (8) Knife means:

8 (a) Any dagger, dirk, knife, or stiletto with a blade over three and  
9 one-half inches in length and which, in the manner it is used or intended  
10 to be used, is capable of producing death or serious bodily injury; or

11 (b) Any other dangerous instrument which is capable of inflicting  
12 cutting, stabbing, or tearing wounds and which, in the manner it is used  
13 or intended to be used, is capable of producing death or serious bodily  
14 injury;

15 (9) Knuckles and brass or iron knuckles means any instrument that  
16 consists of finger rings or guards made of a hard substance and that is  
17 designed, made, or adapted for the purpose of inflicting serious bodily  
18 injury or death by striking a person with a fist enclosed in the  
19 knuckles;

20 (10) Machine gun means any firearm, whatever its size and usual  
21 designation, that shoots automatically more than one shot, without manual  
22 reloading, by a single function of the trigger;

23 (11)(a) Minor means a person who is under twenty-one years of age.

24 (b) Minor does not include a person who is eighteen years of age or  
25 older if the person is (i) a member of the armed forces of the United  
26 States, active or reserve, National Guard of this state, or Reserve  
27 Officers' Training Corps or (ii) a peace officer or other duly authorized  
28 law enforcement officer;

29 (12)(a) Prohibited person means:

30 (i) A person prohibited from possessing a firearm or ammunition by  
31 state law, including, but not limited to, section 28-1206; or

1 (ii) A person prohibited from possessing a firearm or ammunition by  
2 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.

3 (b) This definition does not apply to the use of the term prohibited  
4 person in section 28-1206;

5 (13) Qualified law enforcement officer and qualified retired law  
6 enforcement officer have the same meanings as in 18 U.S.C. 926B and 926C,  
7 respectively, as such sections existed on January 1, 2023;

8 (14)(a) School means a public, private, denominational, or parochial  
9 elementary, vocational, or secondary school, a private postsecondary  
10 career school as defined in section 85-1603, a community college, a  
11 public or private college, a junior college, or a university.

12 (b) School does not include a home school;

13 (15) Short rifle means a rifle having a barrel less than sixteen  
14 inches long or an overall length of less than twenty-six inches; and

15 (16) Short shotgun means a shotgun having a barrel or barrels less  
16 than eighteen inches long or an overall length of less than twenty-six  
17 inches.

18 **Sec. 4.** Section 28-1204.02, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 28-1204.02 Any firearm in the possession of a person in violation of  
21 section 28-1204 or 28-1204.01 or section 5 of this act shall be  
22 confiscated by a peace officer or other authorized law enforcement  
23 officer. Such firearm shall be held by the agency employing such officer  
24 until it no longer is required as evidence.

25 **Sec. 5.** (1) A person commits an offense if:

26 (a) Such person stores or leaves a loaded firearm which is not (i)  
27 secured by a trigger lock mechanism, (ii) placed in a securely locked box  
28 or container, or (iii) placed in some other location which a reasonable  
29 person would believe to be secure from a minor under the age of fourteen  
30 years;

31 (b) Such person knows or has reason to believe that a minor under

1 the age of fourteen years is likely to gain access to the firearm without  
2 the permission of the minor's parent or guardian;

3 (c) The minor gains access to the firearm without the consent of the  
4 minor's parent or guardian; and

5 (d) The minor exhibits the firearm in a public place or uses the  
6 firearm to cause bodily injury or death to a person.

7 (2) This section does not apply if:

8 (a) The minor obtains the firearm as a result of an unlawful entry  
9 by any person; or

10 (b) If the minor's possession or use of the firearm is justified  
11 under sections 28-1406 to 28-1416.

12 (3) A violation of this subsection is a Class I misdemeanor.

13 **Sec. 6.** Section 28-1351, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15 28-1351 (1) A person commits the offense of unlawful membership  
16 recruitment into an organization or association when he or she knowingly  
17 and intentionally coerces, intimidates, threatens, or inflicts bodily  
18 harm upon another person in order to entice that other person to join or  
19 prevent that other person from leaving any organization, group,  
20 enterprise, or association whose members, individually or collectively,  
21 engage in or have engaged in any of the following criminal acts for the  
22 benefit of, at the direction of, or on behalf of the organization, group,  
23 enterprise, or association or any of its members:

24 (a) Robbery under section 28-324;

25 (b) Arson in the first, second, or third degree under section  
26 28-502, 28-503, or 28-504, respectively;

27 (c) Burglary under section 28-507;

28 (d) Murder in the first degree, murder in the second degree, or  
29 manslaughter under section 28-303, 28-304, or 28-305, respectively;

30 (e) Violations of the Uniform Controlled Substances Act that involve  
31 possession with intent to deliver, distribution, delivery, or manufacture

1 of a controlled substance;

2 (f) Unlawful use, possession, or discharge of a firearm or other  
3 deadly weapon under sections 28-1201 to 28-1212.04 and section 5 of this  
4 act;

5 (g) Assault in the first degree or assault in the second degree  
6 under section 28-308 or 28-309, respectively;

7 (h) Assault on an officer, an emergency responder, a state  
8 correctional employee, a Department of Health and Human Services  
9 employee, or a health care professional in the first, second, or third  
10 degree under section 28-929, 28-930, or 28-931, respectively, or assault  
11 on an officer, an emergency responder, a state correctional employee, a  
12 Department of Health and Human Services employee, or a health care  
13 professional using a motor vehicle under section 28-931.01;

14 (i) Theft by unlawful taking or disposition under section 28-511;

15 (j) Theft by receiving stolen property under section 28-517;

16 (k) Theft by deception under section 28-512;

17 (l) Theft by extortion under section 28-513;

18 (m) Kidnapping under section 28-313;

19 (n) Any forgery offense under sections 28-602 to 28-605;

20 (o) Criminal impersonation under section 28-638;

21 (p) Tampering with a publicly exhibited contest under section  
22 28-614;

23 (q) Unauthorized use of a financial transaction device or criminal  
24 possession of a financial transaction device under section 28-620 or  
25 28-621, respectively;

26 (r) Pandering under section 28-802;

27 (s) Bribery, bribery of a witness, or bribery of a juror under  
28 section 28-917, 28-918, or 28-920, respectively;

29 (t) Tampering with a witness or an informant or jury tampering under  
30 section 28-919;

31 (u) Unauthorized application of graffiti under section 28-524;

1           (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal  
2 against another under section 28-1005; or

3           (w) Promoting gambling in the first degree under section 28-1102.

4           (2) Unlawful membership recruitment into an organization or  
5 association is a Class IV felony.

6           **Sec. 7.** Original section 28-1204.02, Reissue Revised Statutes of  
7 Nebraska, sections 28-1201 and 28-1351, Revised Statutes Cumulative  
8 Supplement, 2024, and section 28-101, Revised Statutes Supplement, 2025,  
9 are repealed.