Nebraska News Service

LINCOLN—Guns, drugs and flying lanterns were among legislative bills debated during the Nebraska Legislature's Judiciary Committee hearings, Thursday, Feb. 28.

LB390, sponsored by Sen. Mark Christensen of Imperial would remove the Nebraska governor's powers to take guns and ammunition under the Emergency Management Act.

"It's the times of emergency that you need (guns) the most to protect your own self," he said.

He said he got the idea for the bill from the National Rifle Association that reacted to gun seizures during the aftermath of Hurricane Katrina. A police chief decided to take guns from people's homes, said Ron Jensen, a lobbyist for the NRA who testified in favor of the bill.

Sen. Ernie Chambers of Omaha questioned how the bill would apply to Nebraska and whether any governor would try to take guns.

"It seems to me you are insulting the present or any other governor who might take office in this state," Chambers said. "You believe that governor will order the seizure or confiscation of guns, ammunition."

Sen. Steve Lathrop of Omaha gave an example of the governor authorizing the National Guard to take guns from evacuated houses during an emergency. They would take the guns before any looters would, to be returned to them later, he said.

Andy Allen, a lobbyist for the Nebraska Firearm Owner's Association, said that's different than forcibly removing guns, as happened in Louisiana.

“It has not happened here in Nebraska,” Allen said. “It is a concern of Nebraska citizens. Shouldn’t we address concerns of our citizens?”

LB298, sponsored by Sen. Beau McCoy of Omaha would add “designer drugs,” such as K2, a synthetic cannabis sold as incense, to the Uniform Controlled Substances Act . The drug is similar to marijuana in its effect on the brain, said Christine Gabig, a forensic scientist at the Douglas County Sheriff’s Office.

Lathrop and Chambers said bills continue to be introduced annually to ban new drugs. “Unfortunately folks are pretty inventive,” McCoy said.

Supporters of the bill said Nebraska is unique because it lists classes of drugs, rather than specific drugs. Chambers said he was concerned drug laws force chemists to make more dangerous drugs. The dangers aren’t fully known with the new substances, Gabig said.

Sen. Pete Pirsch of Omaha sponsored two bills spawned from domestic abuse issues. LB608 would increase the punishment for stalking from a misdemeanor to Class IV felony, which could mean up to five years in the State Penitentiary and a $10,000 fine.

Stefanie Martinez, deputy Sarpy County attorney, brought the idea to Pirsch to prosecute more domestic abusers by broadening the definition of harassment from a subjective standard to an objective one. A victim can say when they’ve been harassed under the law now, she said. That would change to say an offender could be prosecuted if a “reasonable person” would be frightened by the harassment.

Lathrop said the bill would more likely be used against “the guy in the neighborhood who is a nuisance.” In that case, he said the increased punishment didn’t fit the crime. He said there are other laws in place already specifically about domestic abuse issues.

“There isn’t a person on this committee who wants one guy to get away, or one person to get

away with harassing, domestic violence," he said. "Nobody wants that."

Chambers said laws can't control every behavior. "Not every wrong has a remedy," he said.

Martinez also brought the idea for Pirsch's other bill, LB610, which tries to clarify when terroristic threats are made or received. It relates to an existing statute that doesn't address threats made through social media.

Martinez said she avoids prosecution unless the offenses occurred within her county, and the bill would give her the choice to prosecute someone from another county who threatened someone in her county. Lathrop said the bill as written could result in someone being prosecuted in two jurisdictions for one offense.

LB472, sponsored by Sen. Russ Karpisek of Wilber, would ban the sale and use of paper flying lanterns in Nebraska, which are fireworks that resemble small hot-air balloons. Fireworks are a fire risk for crops, especially if the state has another dry year, he said.

Karpisek said he received an email from a Nebraskan who said a lantern had embers still burning 10 minutes after it landed. Seven states have bans or are considering bans, but there were no reported cases of fire by lanterns in Nebraska, he said.

A lantern can fly for five miles, he said, before the fire creating the hot air goes out and balloon lands. The two to five minutes of enjoyment of lighting the lantern and watching it float away isn't worth risking someone's house or acreage, he said.

"If they go up, they come down."

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