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STATE OF NEBRASKA
OFFICIAL
MAR 23 1994
DEPT. OF JUSTICE

DATE: March 23, 1994

SUBJECT: Temporary loan of hand firearms to minors for instructional purposes, while under direct adult supervision

REQUESTED BY: Senator Stan Schellpeper

WRITTEN BY: Don Stenberg, Attorney General
Kimberly A. Klein, Assistant Attorney General

You have requested an opinion as to whether amendment AM5659 to LB 988 (now section 4 of LB 988, Final Reading) precludes the "temporary loan" of the firearms specified in Neb. Rev. Stat. § 28-1204 (1989).

As we read LB 988, as amended by AM5659, it specifically applies to firearms as defined in Neb. Rev. Stat. § 28-1204 (1989) (pistols, revolvers, and short-barreled hand firearms). Section 4(3) expressly states that "This section shall not authorize the transfer of any firearm described in section 28-1204."

As amended, LB 988 conflicts with Neb. Rev. Stat. § 28-1204(2) (1989), which provides that persons under 18 years of age who are receiving instruction under the immediate supervision of a parent, guardian, or adult instructor may possess a short-barreled hand firearm on "temporary loan."

Although section 4(2)(c) of LB 988, as amended, permits juveniles to possess certain firearms while under direct adult supervision in an educational program, this exception does not apply to pistols, revolvers or other short-barreled hand firearms, as is currently the law. Consequently, LB 988, as amended by AM5659, would make it a felony to loan a pistol, revolver, or other

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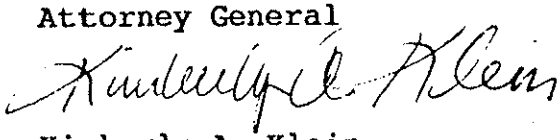
short-barreled hand firearm to a juvenile even for instructional purposes while under direct adult supervision.

Sincerely yours,

DON STENBERG
Attorney General



Kimberly A. Klein
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Approved:

Attorney General

3-1530-3

cc: Clerk of the Legislature