

BEFORE THE BOARD OF COMMISSIONERS OF THE LINCOLN-
LANCASTER COUNTY PUBLIC BUILDING COMMISSION

ESTABLISHING A POLICY)
REGULATING THE WEAPONS IN AND)
AROUND THE BUILDINGS AND) RESOLUTION NO. _____
PARKING LOTS AND OTHER AREAS)
OWNED OR CONTROLLED BY THE)
LINCOLN-LANCASTER COUNTY)
PUBLIC BUILDING COMMISSION)

WHEREAS, Neb. Rev. Stat. §13-1304(5) authorizes the Board of Commissioners of the Lincoln-Lancaster County Public Building Commission (Public Building Commission) to make rules and regulations for the use of its buildings and other property; and

WHEREAS, the Public Building Commission has inherent property rights to regulate the property owned and/or controlled by it; and

WHEREAS, Neb. Rev. Stat. §69-2441 recognizes the Public Building Commission's property rights to control weapons, and specifically allows the prohibition of carrying concealed handguns with a permit and/or license into or onto properties under its control; and

WHEREAS, the Public Building Commission adopted a Behavior Policy on July 14, 2015, to ensure that public buildings are safe and welcoming and the public business can be accomplished in an efficient and productive manner; and

WHEREAS, the Public Building Commission declared in the Behavior Policy that bringing a weapon into or on premises as defined is a Level 4 Offense subjecting a violator to suspension and banning procedures; and

WHEREAS, the Behavior Policy allows for appeals of any banning order and a process for handling further noncompliance;

BE IT RESOLVED by the Board of Commissioners of the Lincoln-Lancaster County Public Building Commission the following definitions apply to this policy:

- (1) "PBC property" is defined as any premises under the care and control of Public Building Commission to include, but is not limited to owned or leased property or property contracted to be managed by the PBC, and commons areas including, but not limited to the approach sidewalks, steps, verandas, parking lots, vestibules, interior hallways, and atriums. This policy applies to all PBC owned or leased vehicles, and all vehicles used for PBC business. For purposes of this policy, PBC property will not include any public sidewalk that runs parallel to a public street.
- (2) "Possession" is defined as a person having a weapon on or near their person or having control over a weapon located in or on PBC property. A person is deemed to be in possession of a weapon in a vehicle when the person is inside or in control (ex. Possesses a key) of the vehicle, and shall be treated under this policy as if the weapon were being carried on their person.
- (3) "Weapon" is defined as any firearm, stun gun, knife with a blade length longer than 3.5 inches, any device that releases any propelled object by spring mechanism, compressed air, or compressed gas, explosive, or any other instrument the use of which is intended or likely to cause death or serious bodily injury or immobilize another person.

BE IT RESOLVED that appropriate signage will be posted on PBC property and no person, including employees or volunteers of a state or political subdivisions working on the premises, shall possess or cause to be present a weapon in or on PBC property. This prohibition applies regardless of whether a person possesses a valid concealed carry permit or license issued by any jurisdiction. The prohibitions of this policy shall not apply to possession of a weapon by:

- (1) Vehicles: Any person who secures a weapon in their personal vehicle on PBC property. The vehicle must be locked, and the weapon shall not be visible from outside the vehicle.
- (2) Law Enforcement: An officer, agent, or employee of a state or a political subdivision thereof who has jurisdiction in Lancaster County

and who is authorized by law to engage in or supervise the prevention, detection, investigation of any violation of law. This person must be carrying proof of law enforcement jurisdiction while possessing a weapon on PBC property, and must identify themselves and provide proof of jurisdiction to agents of the Public Building Commission.

- (3) Other Person: Other officer, agent, or employees of a political subdivision while performing their official job responsibilities in or on PBC property is authorized to be in possession of an approved weapon. Examples include, but are not limited to, an employee who is a law enforcement trainee, an animal control officer, handles seized evidence, collects and processes evidence, maintains vehicles in which weapons are stored, court personnel, and an attorney handling evidence. For purposes of this definition, an attorney not employed by a political subdivision (outside attorney) may possess a weapon for purposes of presentation of evidence where allowed by the courts. This exception does not authorize any person to possess a weapon for personal protection.
- (4) Security Personnel: Security personnel employed or contracted by the Public Building Commission may be authorized to carry weapons in accordance with PBC policies and applicable laws while in the lawful performance of their official responsibilities.
- (5) Practice Facility: Any person possessing a weapon in or on a shooting range or archery operated, supervised, or maintained by the Public Building Commission may possess a weapon in compliance with the applicable practice facility rules.
- (6) Special Circumstances: In exceptional circumstances, where it serves the public interest and there is a legitimate business need to possess a weapon in or on PBC property, a person may request permission from the PBC Facilities and Property Director (“Director”). After consulting with the Sheriff and Chief of the Lincoln Police Department, and in compliance with all applicable laws and regulations, the Director will issue a written decision. If the request is from an officer, agent, employee and/or volunteer of a state or political subdivision, the appropriate human resources director shall also be consulted.

BE IT RESOLVED any person who violates this policy shall be considered to be trespassing and subject to criminal and civil penalties, to include being banned from the premises.

BE IT RESOLVED the PBC reserves the right at any time and at its discretion to search all PBC property for violations of this policy. Where security reasons justify, the PBC may require a person or person's personal items be searched while in or on PBC property.

Dated this _____ day of August, 2023.

Roma Amundson, Chair

Todd Duncan

Sean Flowerday

Tom Beckius

Sandra Washington

Approved as to form and legality:

Public Building Commission Attorney

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