

AMENDMENTS TO LB 538

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 29-820, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-820 (1) Unless other disposition is specifically
6 provided by law, when property seized or held is no longer required
7 as evidence, it shall be disposed of by the law enforcement agency
8 on such showing as the law enforcement agency may deem adequate, as
9 follows:

10 (a) Property stolen, embezzled, obtained by false
11 pretenses, or otherwise obtained unlawfully from the rightful owner
12 thereof shall be restored to the owner;

13 (b) Money shall be restored to the owner unless it was
14 used in unlawful gambling or lotteries or it was used or intended
15 to be used to facilitate a violation of Chapter 28, article 4, in
16 which case the money shall be forfeited and disposed of as required
17 by Article VII, section 7, of the Constitution of Nebraska;

18 (c) Property which is unclaimed or the ownership of which
19 is unknown shall be sold at a public auction held by the officer
20 having custody thereof and the net proceeds disposed of as provided
21 in subdivision (b) of this subsection, as shall any money which is
22 unclaimed or the ownership of which is unknown;

23 (d) Except as provided in ~~subdivision (2)(b)~~ subsection

1 (2) of this section, articles of contraband shall be destroyed; and

2 (e) ~~Except as provided in subdivision (2)(a) of this~~
3 ~~section, firearms, Firearms,~~ ammunition, explosives, bombs, and
4 like devices which have been used in the commission of crime shall
5 be destroyed; ~~and-~~

6 (f) Firearms which have come into the law enforcement
7 agency's possession through a seizure or otherwise and (i) have not
8 been used in the commission of crime, (ii) have not been defaced or
9 altered in any manner that violates any state or federal law, (iii)
10 may have a lawful use and be lawfully possessed, and (iv) are not
11 subject to section 29-440 shall be restored to the owner.

12 (2) When the following property is seized or held and is
13 no longer required as evidence, such property shall be disposed of
14 on order of the court as the court may deem adequate:

15 ~~(a) Firearms which may have a lawful use; and~~

16 ~~(b) Goods which are declared to be contraband but may~~
17 reasonably be returned to a condition or state in which such goods
18 may be lawfully used, possessed, or distributed by the public.

19 (3) When any animal as defined by section 28-1008 is
20 seized or held and is no longer required as evidence, such animal
21 may be disposed of in such manner as the court may direct. The
22 court may consider adoption alternatives through humane societies
23 or comparable institutions and the protection of such animal's
24 welfare. For a humane society or comparable institution to be
25 considered as an adoption alternative under this subsection, it
26 must first be licensed by the Department of Agriculture as having
27 passed the inspection requirements in the Commercial Dog and Cat

1 Operator Inspection Act and paid the fee for inspection under the
2 act. The court may prohibit an adopting or purchasing party from
3 selling such animal for a period not to exceed one year.

4 (4) Unless otherwise provided by law, all other property
5 shall be disposed of in such manner as the court in its sound
6 discretion shall direct.

7 Sec. 2. Original section 29-820, Reissue Revised Statutes
8 of Nebraska, is repealed.