

LEGISLATIVE BILL 107

Approved by the Governor May 22, 1979

Introduced by Fowler, 27

AN ACT to amend section 29-813, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to place limitations on the issuance of a search warrant as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 29-813, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-813. (1) A warrant may be issued under sections 29-812 to 29-821 to search for and seize any property (1) (a) stolen, embezzled, or obtained under false pretenses in violation of the laws of the State of Nebraska, (2) (b) designed or intended for use or which is or has been used as the means of committing a criminal offense, or (3) (c) possessed, controlled, designed, or intended for use or which is or has been possessed, controlled, designed, or used in violation of any law of the State of Nebraska making such possession, control, design, or use, or intent to use, a criminal offense.

~~A warrant may be issued under sections 29-812 to 29-821 to search for and seize any property or (d) which constitutes evidence that a criminal offense has been committed or that a particular person has committed a criminal offense.~~

(2) Notwithstanding subsection (1) of this section, no warrant shall be issued to search any place or seize anything in the possession, custody, or control of any person engaged in procuring, gathering, writing, editing, or disseminating news or other information for distribution to the public through a medium of communication unless probable cause is shown that such person has committed or is committing a criminal offense. For purposes of this subsection, the terms person, information, and medium of communication shall be defined as provided in section 20-145, Reissue Revised Statutes of Nebraska, 1943.

Sec. 2. That original section 29-813, Reissue Revised Statutes of Nebraska, 1943, is repealed.