

LEGISLATIVE BILL 734

Approved by the Governor January 29, 1986

Introduced by Beutler, 28, Chairperson, Executive Board

AN ACT relating to police judges; to amend section 57-506, Reissue Revised Statutes of Nebraska, 1943; to repeal an obsolete provision governing the election of a police judge; to harmonize provisions; and to repeal the original section, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 57-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-506. Whenever any person, or the president, secretary, treasurer, or other officer of any corporation mentioned in section 57-501, or ~~his, its, or their~~ a duly authorized agent who has personal knowledge of the facts, shall make oath in writing before any ~~police judge, or other magistrate judge of the county court,~~ that the party so making such affidavit has reason to believe and does believe that any of ~~his, its, or their~~ liquefied petroleum gas cylinders, as defined by subdivision (4) of section 57-501, marked with the name, initials, mark, or other device of ~~said such~~ owners, are in the possession of or being used by or being filled or refilled by any person whose name, initials, mark, or other device does not appear on ~~said such~~ cylinders, and who is in the possession of, filling or refilling, or using any such cylinders without the consent of the owner of such name, initials, or trademark, the ~~magistrate judge~~ may, when satisfied that there is reasonable cause, issue a search warrant and cause the premises designated to be searched for the purpose of discovering and obtaining the same. ~~The judge, and~~ may also cause to be brought before him ~~or her~~ the person in whose possession such cylinders may be found, and shall then inquire into the circumstances of such possession. ~~If, and if~~ such ~~magistrate judge~~ finds that such person has been guilty of a violation of any of the provisions of sections 57-501 to 57-507, he ~~or she~~ shall sentence as provided in section 57-507; and he shall also award the possession of property, including the contents of ~~said the~~ cylinders, taken upon

such search warrant, to the owner thereof.

Sec. 2. That original section 57-506, Reissue Revised Statutes of Nebraska, 1943, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943, are repealed.