

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB538

Hearing Date: Wednesday February 16, 2011
Committee On: Judiciary
Introducer: Karpisek
One Liner: Change provisions relating to the disposition of seized firearms

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Coash, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:	1	Senator Council
Absent:		
Present Not Voting:		

Proponents:

RUSS KARPISEK
TOM MUMGAARD
GARY KRUMLAND
AMY MILLER
JORDAN AUSTIN

Representing:

INTRODUCER
CITY OF OMAHA
LEAGUE OF NEBRASKA MUNICIPALITIES
ACLU NEBRASKA
NRA

Opponents:

ANDY ALLEN

Representing:

NEBRASKA FIREARMS OWNERS ASSOCIATION

Neutral:

Representing:

Summary of purpose and/or changes:

LB 538 amends 29-820 (Seized property; disposition.) subsection (1) (f) to provide that firearms that come into the possession of law enforcement shall be returned to their owners if:

The firearm has not been used in a crime;

Have not been altered or defaced in a manner which violates state or federal law; and

Have a lawful use.

All other firearms that do not fit the identified exemption to be returned shall be disposed of by court order.

Explanation of amendments:

AM 2329 makes the following changes to LB 538:

Clarifies that the firearms to be returned can come into the possession of law enforcement through a seizure of property or other means;

Provides that to be eligible for return to the owner, the firearm must be lawfully possessed and may have a legal use. (For example a sawed off shotgun does not have a lawful use and if the owner of record is disqualified from possessing or owning a firearm, the weapon will not be returned.); and

Exempts firearms that are seized through a domestic assault arrest or dispute under section 29-440 of the Nebraska

Revised Statutes from this section, those firearms will still require a court order for their return.

Brad Ashford, Chairperson