

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB538

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 16, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 538 would amend section 29-820 to clarify that firearms in the possession of law enforcement agencies through a voluntary surrender or which have been taken into custody for safekeeping and which have not been seized or used in the commission of a crime can be released to the owner without obtaining a court order.

Under current law, Section 29-820 directs that when law enforcement agencies have firearms that have a lawful use and are no longer required as evidence, the items can be released or disposed of only "on order of the court as the court may deem adequate." The statute says that it applies to these items that are "seized or held." That language implies the statute applies regardless of how police obtained the firearm and it extend to firearms that are "held" because they've been turned over to police voluntarily for safekeeping or which police have just found.

When criminal charges are filed, the court decides what happens to the guns. But if no charges are filed or even considered, there is inconsistency in how law enforcement agencies throughout the state apply this statute. Some agencies require a court order to return any firearm that is "held" but hasn't been seized and some do not.

LB 538 would clarify the procedure to provide consistent implementation of the law.

Principal Introducer: _____

Senator Russ Karpisek