

LEGISLATIVE BILL 543

Approved by the Governor March 18, 1986

Introduced by Pirsch, 10

AN ACT relating to criminal procedure; to amend section 29-820, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the disposition of seized or held property as prescribed; and to repeal the original section.

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

Section 1. That section 29-820, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

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

(2) (b) Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of Chapter 28, article 4, in which case it the money shall be forfeited and disposed of as required by Article VII, section 3 7, Constitution of Nebraska;

(3) (c) Property which is unclaimed or the ownership of which is unknown shall be sold at a public auction held by the officer having custody thereof and the net proceeds disposed of as provided in subdivision (2) (b) of this ~~section~~ subsection, as shall any money which is unclaimed or the ownership of which is unknown;

(4) ~~Articles~~ (d) Except as provided in subdivision (2)(b) of this section, articles of contraband shall be destroyed; and, except that any such articles which may be capable of lawful use may in the discretion of the court be sold and the proceeds disposed of as provided in subdivision (2) of this section;

(5) Firearms (e) Except as provided in subdivision (2)(a) of this section, firearms.

ammunition, explosives, bombs, and like devices which have been used in the commission of crime shall be destroyed, disposed of in the same manner as contraband, and

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

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

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

~~(6)~~ (3) Unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.

Sec. 2. That original section 29-820, Reissue Revised Statutes of Nebraska, 1943, is repealed.