

AMENDMENTS TO LB 423

Introduced by Agriculture

1 1. Strike original section 3 and insert the following new
2 section:

3 Section 1. Section 29-818, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 29-818 (1) Except for pet animals ~~or equines~~ as provided
6 in subsection (2) of this section, property seized under a search
7 warrant or validly seized without a warrant shall be safely kept by
8 the officer seizing the same unless otherwise directed by the judge
9 or magistrate, and shall be so kept so long as necessary for the
10 purpose of being produced as evidence on any trial. Property seized
11 may not be taken from the officer having it in custody by replevin
12 or other writ so long as it is or may be required as evidence in
13 any trial, nor may it be so taken in any event where a complaint
14 has been filed in connection with which the property was or may be
15 used as evidence, and the court in which such complaint was filed
16 shall have exclusive jurisdiction for disposition of the property
17 or funds and to determine rights therein, including questions
18 respecting the title, possession, control, and disposition thereof.

19 (2) (a) Any pet animal ~~or equine~~ seized under a search
20 warrant or validly seized without a warrant may be kept by the
21 officer seizing the same on the property of the person who owns,
22 keeps, harbors, maintains, or controls such pet animal. ~~or equine.~~

23 (b) When any pet animal ~~or equine~~ is seized ~~or held~~

1 under this subsection, the court shall provide the person who owns,
2 keeps, harbors, maintains, or controls such pet animal ~~or equine~~
3 with notice that a hearing will be had and specify the date, time,
4 and place of such hearing. Such notice shall be served by personal
5 or residential service or by certified mail. If such notice cannot
6 be served by such methods, service may be made by publication
7 in the county where such pet animal ~~or equine~~ was seized. Such
8 publication shall be made after application and order of the court.
9 Unless otherwise determined and ordered by the court, the date of
10 such hearing shall be no later than ten days after the seizure.

11 (c) At the hearing, the court shall determine the
12 disposition of the pet animal, ~~or equine,~~ and if the court
13 determines that any pet animal ~~or equine~~ shall not be returned, the
14 court shall order the person from whom the pet animal ~~or equine~~
15 was seized to pay all expenses for the support and maintenance
16 of the pet animal, ~~or equine,~~ including expenses for shelter,
17 food, veterinary care, and board, necessitated by the possession of
18 the pet animal, ~~or equine.~~ At the hearing, the court shall also
19 consider the person's ability to pay for the expenses of the pet
20 animal ~~or equine~~ and the amount of such payments. Payments shall be
21 for a succeeding thirty-day period with the first payment due on
22 or before the tenth day following the hearing. Payments for each
23 subsequent succeeding thirty-day period, if any, shall be due on or
24 before the tenth day of such period.

25 (d) If a person becomes delinquent in his or her payments
26 for the expenses of the pet animal, ~~or equine,~~ the court shall hold
27 a hearing to determine the disposition of the seized pet animal.

1 ~~or equine.~~ Notice of such hearing shall be given to the person who
2 owns, keeps, harbors, maintains, or controls such pet animal ~~or~~
3 ~~equine~~ and to any lienholder or security interest holder of record
4 as provided in subdivision (b) of this subsection.

5 (e) An appeal may be entered within ten days after a
6 hearing under subdivision (c) or (d) of this subsection. Any person
7 filing an appeal shall post a bond sufficient to pay all costs of
8 care of the pet animal ~~or equine~~ for thirty days. Such payment will
9 be required for each succeeding thirty-day period until the appeal
10 is final.

11 (f) Should the person be found not guilty, all funds paid
12 for the expenses of the pet animal ~~or equine~~ shall be returned to
13 the person.

14 (g) For purposes of this subsection, pet ~~+(i)~~ Pet animal
15 means any domestic dog, domestic cat, mini pig, domestic rabbit,
16 domestic ferret, domestic rodent, bird except a bird raised
17 as an agricultural animal and specifically excluding any bird
18 possessed under a license issued by the State of Nebraska or the
19 United States Fish and Wildlife Service, nonlethal aquarium fish,
20 nonlethal invertebrate, amphibian, turtle, nonvenomous snake that
21 will not grow to more than eight feet in length at maturity,
22 or such other animal as may be specified and for which a permit
23 shall be issued by an animal control authority after inspection and
24 approval, except that any animal forbidden to be sold, owned, or
25 possessed by federal or state law is not a pet animal. ~~and~~

26 ~~(ii) Equine means a horse, pony, donkey, mule, hinny, or~~
27 ~~llama.~~

1 (h) This section shall not preempt, and shall not be
2 construed to preempt, any ordinance of a city of the metropolitan
3 class.

4 2. On page 2, line 3, strike "sections 3 and 6" and
5 insert "section 6"; and in lines 11 and 23 strike "food", show as
6 stricken, and insert "feed".

7 3. On page 3, strike line 1; in lines 2, 4, 6, and 16,
8 strike the new matter and reinstate the stricken matter; in lines
9 2 and 3 strike "hinny, or llama", show as stricken, and insert "or
10 hinny"; in line 17 after the last comma insert "llamas,"; in line
11 19 strike "(11)" and insert "(10)"; and in line 22 strike "(12)"
12 and insert "(11)".

13 4. On page 6, line 23, after the period insert "A copy of
14 the signed agreement shall be provided to the owner or custodian of
15 the livestock animal.".

16 5. On page 7, strike line 24 and insert "shall not unduly
17 delay euthanization when necessary. The law enforcement officer may
18 forgo euthanization if the care of the livestock animal is placed
19 with the owner's or custodian's veterinarian.".

20 6. On page 9, line 6, after "such" insert "livestock
21 animal"; and strike lines 16 to 25 and insert:

22 "(c) Order the person from whom the livestock animal
23 was seized to post a bond or other security, or to otherwise
24 order payment, in an amount that is sufficient to reimburse all
25 reasonable expenses, as determined by the court, for the care of
26 the livestock animal, including veterinary care, incurred by the
27 agency from the date of seizure and necessitated by the possession

1 of the livestock animal. Payments shall be for a succeeding
2 thirty-day period with the first payment due on or before the tenth
3 day following the hearing. Payments for each subsequent succeeding
4 thirty-day period, if any, shall be due on or before the tenth
5 day of such period. The bond or security shall be placed with,
6 or payments ordered under this subdivision shall be paid to, the
7 agency that took custody of the livestock animal. The agency shall
8 provide an accounting of expenses to the court when the livestock
9 animal is no longer in the custody of the agency or upon request
10 by the court. The agency may petition the court for a subsequent
11 hearing under this subsection at any time. The hearing shall be
12 held as soon as practicable and not more than ten business days
13 after the date of application for the hearing unless otherwise
14 determined and ordered by the court. When all expenses covered by
15 the bond or security are exhausted and subsequent bond or security
16 has not been posted or if a person becomes delinquent in his or her
17 payments for the expenses of the livestock animal, the livestock
18 animal shall be forfeited to the agency."

19 7. On page 10, strike lines 1 to 7; in line 9 after "any"
20 insert "proceeds of a"; in line 10 after "security" insert "or any
21 payment or portion of payment ordered under this section"; and in
22 line 23 after "animal" insert "remaining after the actual expenses
23 incurred by the agency have been paid".

24 8. On page 11, line 3, after the second comma insert "and
25 section 29-818, Revised Statutes Cumulative Supplement, 2012,".

26 9. Renumber the remaining sections accordingly.