

ONE HUNDRED FOURTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 286

Introduced by Garrett, 3; Coash, 27; Ebke, 32; Krist, 10; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act. The issues examined in this study shall include, but not be limited to:

- (1) How the process of civil forfeiture currently works under the act;
- (2) The current use of civil forfeiture;
- (3) The types of civil forfeitures made and whether the forfeitures accompany criminal prosecutions;
- (4) How funds seized by civil forfeitures are being expended;
- (5) How reporting of, and accountability for, civil forfeitures is currently being conducted;
- (6) Whether indigent property owners should be allowed to obtain court appointed counsel in civil forfeiture cases;
- (7) Whether the act should be changed to shift the burden of proof to the government;
- (8) A review of the act to determine whether changes are needed to reform or eliminate civil forfeiture; and
- (9) An investigation of reform of civil forfeiture laws in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.