

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB1106

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 10, 2016

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

Civil forfeitures provide an important law enforcement tool to interrupt criminal activities, but should therefore be limited to cases where the property owner has been convicted of one of the eligible crimes. The bill will ensure that the mere fact of possession of large amounts of currency or property, no matter how valuable, will no longer be sufficient to prove the property was connected to any criminal activity.

LB 1106 establishes that forfeiture is not a separate criminal proceeding, which will result in defendants being subject to double jeopardy. Instead the bill provides for a process by which after the property owner is convicted of a crime, the state may seek to forfeit any money or property so long as the state can prove the money or property was involved in the criminal activity by clear and convincing evidence. The bill provides for a means for innocent property owners may intervene to reclaim their property.

Principal Introducer: _____

Senator Tommy Garrett