

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1245

Introduced by Dw. Pedersen, 39

Read first time January 21, 2004

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to personal property; to amend sections 69-1330
2 to 69-1332, Reissue Revised Statutes of Nebraska; to
3 provide for the release of unclaimed or abandoned
4 property to the finder as prescribed; to provide duties
5 for the county sheriff; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-1330, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 69-1330. Any property that ~~shall come~~ comes into the
4 possession of the county sheriff of any county by virtue of his or
5 her office, the disposition of which is not otherwise provided for
6 by law, and which appears to be abandoned or unclaimed, may be sold
7 at auction or disposed of as provided in sections 69-1330 to
8 69-1332 and section 2 of this act.

9 Sec. 2. (1) If the property described in section 69-1330
10 remains unclaimed for a period of not less than one hundred eighty
11 days, the county sheriff may release such property to the person
12 who first found such property and reported it to the county
13 sheriff. Such person shall indicate his or her desire to own such
14 property on a form as prescribed by the county sheriff. Such form
15 shall be completed and returned to the county sheriff within seven
16 business days after such property was reported to the county
17 sheriff.

18 (2) Prior to releasing such property, the county sheriff
19 shall cause a description of such property to be published once a
20 week for three consecutive weeks in a newspaper of general
21 circulation in the county in which he or she holds office. If such
22 property is not claimed, it shall be released to the person who
23 first found such property, reported it to the county sheriff, and
24 completed and returned the form pursuant to subsection (1) of this
25 section.

26 (3) After the release of such property the county sheriff
27 shall be exempt from any civil liability for such action and any
28 claims on such property shall be extinguished.

1 (4) This section does not apply to any deputy or employee
2 of the county sheriff's office or any person within the second
3 degree of consanguinity of such deputy or employee.

4 Sec. 3. Section 69-1331, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 69-1331. If the property described in section 69-1330
7 ~~shall remain~~ remains unclaimed for a period of not less than one
8 hundred eighty days and is not subject to release under section 2
9 of this act, the county sheriff may sell such property at auction.
10 Prior to such sale the county sheriff shall cause a list of all
11 property subject to sale to be published once a week for three
12 consecutive weeks in a newspaper of general circulation in the
13 county in which he or she holds office. If such property is not
14 bid upon at sale, or the county sheriff reasonably believes that
15 such property has little or no sale value, he or she may dispose of
16 such property. Before the county sheriff may dispose of such
17 property he or she shall submit a plan for disposing of such
18 property to the county board for its approval. Upon the approval
19 of the board, the county sheriff may dispose of such property in
20 the manner approved and shall be exempt from any civil liability
21 for such action.

22 Sec. 4. Section 69-1332, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 69-1332. The county sheriff shall pay over to the county
25 treasurer the proceeds of any sale authorized by ~~sections 69-1330~~
26 ~~to 69-1332~~ section 69-1331, less the reasonable expenses of such
27 sale. The county treasurer shall hold such proceeds for a period
28 of two years from the date of sale. If, at the end of such period,

1 no person has presented a lawful claim to the proceeds of such
2 sale, the county treasurer shall deposit such proceeds, including
3 any interest thereon, to the general fund of the county and any
4 claims thereon shall be extinguished.

5 Sec. 5. Original sections 69-1330 to 69-1332, Reissue
6 Revised Statutes of Nebraska, are repealed.