

AMENDMENTS TO LB609

Introduced by Banking, Commerce and Insurance.

1 1. Strike original sections 13, 14, 15, 16, 17, 18, 19, 20, 21, and
2 22 and insert the following new section:

3 **Sec. 13.** Section 29-817, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-817 Sections 29-812 to 29-821 do not modify any act inconsistent
6 with it relating to search warrants, their issuance, and the execution of
7 search warrants and acts relating to disposition of seized property in
8 circumstances for which special provision is made. The term property is
9 used in sections 29-812 to 29-821 to include documents, books, papers,
10 ~~and any other tangible objects, and controllable electronic records as~~
11 defined in section 8-3003. Nothing in sections 29-812 to 29-821 shall be
12 construed as restricting or in any way affecting the constitutional right
13 of any officer to make reasonable searches and seizures as an incident to
14 a lawful arrest nor to restrict or in any way affect reasonable searches
15 and seizures authorized or consented to by the person being searched or
16 in charge of the premises being searched, or in any other manner or way
17 authorized or permitted to be made under the Constitution of the United
18 States and the Constitution of the State of Nebraska.

19 All search warrants shall be issued with all practicable secrecy and
20 the complaint, affidavit, or testimony upon which it is based shall not
21 be filed with the clerk of the court or made public in any way until the
22 warrant is executed. Whoever discloses, prior to its execution, that a
23 warrant has been applied for or issued, except so far as may be necessary
24 to its execution, shall be guilty of a Class III misdemeanor, or he or
25 she may be punished as for a criminal contempt of court.

26 2. On page 2, strike lines 15 through 18 and insert the following
27 new subdivision:

1 "(4) Controllable electronic record has the same meaning as in
2 section 8-3003;"; and in line 29 after "person" insert ", or a third
3 party acting on behalf of another person,".

4 3. On page 3, line 18, strike "thirty" and insert "fourteen"; and in
5 lines 19 and 23 strike "thirty-day" and insert "fourteen-day".

6 4. On page 4, strike beginning with "pursuant" in line 1 through
7 "Act" in line 2 and insert "under the Nebraska Money Transmitters Act
8 pursuant to section 8-2725"; and strike lines 3 through 18 and insert the
9 following new subsections:

10 "(2) A controllable electronic record kiosk operator shall report
11 each controllable electronic record kiosk as an authorized delegate under
12 the Nebraska Money Transmitters Act pursuant to section 8-2730.

13 "(3) In addition to the required reporting of authorized delegates
14 pursuant to section 8-2730, each controllable electronic record kiosk
15 operator shall submit to the department within forty-five days after the
16 end of each calendar quarter a list of all associated controllable
17 electronic record addresses utilized by each controllable electronic
18 record kiosk, on a form as prescribed by the department.".

19 5. On page 6, line 28; and page 9, line 19, strike "five thousand"
20 and insert "ten thousand five hundred".

21 6. On page 10, line 7, strike "and regulatory agencies"; and strike
22 lines 25 through 28 and insert the following new subsection:

23 "(3) The Consumer Protection Division of the Office of the Attorney
24 General shall release model notice language. Entities listed in
25 subsection (2) of this section may use the model notice or a notice
26 substantially in the same form to comply with such subsection.".

27 7. Renumber the remaining sections and correct the repealer
28 accordingly.