

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 235

Introduced by Conrad, 46.

Read first time January 14, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
- 2 Act; to amend section 76-1446, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to trials for actions for possession
- 4 and execution of writs of restitution; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 76-1446, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1446 (1) Trial of the action for possession shall be held not
4 less than ten nor more than fourteen days after the issuance of the
5 summons, unless additional time is granted pursuant to court order. The
6 action shall be tried by the court without a jury. If the plaintiff
7 serves the summons in the manner provided in section 76-1442.01, the
8 action shall proceed as other actions for possession except that a money
9 judgment shall not be granted for the plaintiff.

10 (2) If judgment is rendered against the defendant for the
11 restitution of the premises, the court shall declare the forfeiture of
12 the rental agreement, and shall, at the request of the plaintiff or his
13 or her attorney, issue a writ of restitution, directing the constable or
14 sheriff to restore possession of the premises to the plaintiff on a
15 specified date not less ~~more~~ than ten days after issuance of the writ of
16 restitution. The court may order the writ of restitution to be executed
17 on a date less than ten days after its issuance only upon:

18 (a) A showing that the defendant poses a true and imminent threat to
19 the safety of other tenants, the landlord, or the landlord's employees or
20 agents; or

21 (b) The informed and express agreement of the parties.

22 (3) The plaintiff shall comply with the Disposition of Personal
23 Property Landlord and Tenant Act and subsection (5) of section 76-1414 in
24 the removal of personal property remaining on the premises at the time
25 possession of the premises is restored.

26 **Sec. 2.** Original section 76-1446, Reissue Revised Statutes of
27 Nebraska, is repealed.