

CHAPTER 6

TRIAL COURTS

ARTICLE 5

EXHIBIT DISPOSITION

Section.

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§ 6-501. Authorized release of exhibits.

The clerks of the various courts or the official court reporters are authorized to release, under the following conditions, any exhibit offered or received in evidence in any civil, criminal, or juvenile proceeding:

(A) Upon request of an introducing attorney or owner, release to such introducing attorney or owner at any time during or after trial, if request is made during trial to substitute a copy and permission is granted by the court to do so.

(B) Upon request of an introducing attorney or owner, release to such introducing attorney or owner at any time after trial or following expiration of appeal time, provided it is stipulated in writing that a copy shall be substituted, or if, in the absence of such a stipulation, the judge who tried the case, or if such judge is unavailable the current presiding judge, determines such substitution to be unnecessary.

(C) When, in compliance with Supreme Court rules governing preparation of bills of exceptions, counsel shall substitute photographs or mechanical drawings and descriptions for any large or cumbersome exhibits where such would fairly present such exhibits to the appellate court.

§ 6-502. Disposal of exhibits.

The clerks of the various courts or the official court reporters are authorized to dispose of any exhibits or substitutes which have not been released pursuant to § 6-501 according to the applicable Records Retention and Disposition Schedules of the State Records Administrator.

§ 6-503. Questioned ownership of exhibits.

Exhibits first shall be sought to be returned to the attorneys who introduced them, if possible, or to the owners, if they can be determined. Questions as to ownership of exhibits shall be submitted to the judge who tried the case, or to the presiding judge. Attorneys or owners of exhibits shall be notified to remove them; in the event of their failure to do so within 30 days, or if the attorneys or owners are not available or cannot be determined, the exhibits shall be disposed of or destroyed as ordered by the judge who tried the case, or the presiding judge.

§ 6-504. Additional court discretion to dispose of exhibits.

Nothing herein shall restrict or contravene the discretion given to a court to dispose of exhibits under Neb. Rev. Stat. § 24-1004, or in requiring compliance by all parties with Neb. Rev. Stat. §§ 84-1201 to 84-1220, and nothing herein shall restrict a court from requiring retention of exhibits in any instance for a period of time in excess of that in the applicable Records Retention and Disposition Schedules of the State Records Administrator.

§ 6-505. Neb. Rev. Stat. § 27-1301 child pornography exhibits.

Notwithstanding the provisions of §§ 6-501 through 6-504, exhibits constituting visual depiction of sexually explicit conduct involving a child, as defined by § 27-1301 and controlled by Neb. Ct. R. § 6-1801, shall remain constantly and continuously in the care, custody, and control of the court in which the exhibit was introduced, whether or not received into evidence by such court, until it is returned to the introducing attorney or law enforcement or otherwise disposed of as ordered by that court.

§ 6-505 adopted January 27, 2010.