

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 273

Introduced by Ashford, 20.

Read first time January 14, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to law enforcement; to amend sections 33-117
2 and 83-424, Reissue Revised Statutes of Nebraska, and
3 section 69-2404, Revised Statutes Cumulative Supplement,
4 2008; to change sheriff's fees and handgun certificate
5 fees; to provide an operative date; to repeal the
6 original sections; and to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 33-117, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 33-117 (1) The several sheriffs shall charge and collect
4 fees at the rates specified in this section. The rates shall
5 be as follows: (a) Serving a misdemeanor capias with commitment,
6 ~~or~~ bail bond and return, ~~two~~ or traffic, civil, or misdemeanor
7 arrest warrant, twenty-five dollars; (b) servicing a felony capias
8 with commitment, bail bond and return, or felony arrest warrant,
9 one hundred dollars; (c) servicing a search warrant, two twenty
10 dollars; ~~(e)~~ (d) arresting under a search warrant, ~~two~~ twenty
11 dollars for each person so arrested; ~~(d)~~ (e) unless otherwise
12 specifically listed in subdivisions ~~(f)~~ ~~to~~ ~~(s)~~ (g) to (t) of
13 this subsection, serving a summons, subpoena, order of attachment,
14 order of replevin, other order of the court, notice of motion,
15 other notice, other writ or document, or any combination thereof,
16 including any accompanying or attached documents, ~~ten~~ twenty
17 dollars for each person served, except that when more than one
18 person is served at the same time and location in the same case,
19 the service fee shall be ~~ten~~ twenty dollars for the first person
20 served at that time and location and ~~two~~ seven dollars and fifty
21 cents for each other person served at that time and location; ~~(e)~~
22 (f) making a return of each summons, subpoena, order of attachment,
23 order of replevin, traffic, misdemeanor, or felony arrest warrant
24 or capias, other order of the court, notice of motion, other
25 notice, or other writ or document, whether served or not, ~~five~~

1 twelve dollars; ~~(f)~~ (g) taking and filing a replevin bond or other
2 indemnification to be furnished and approved by the sheriff, ~~one~~
3 ~~dollar;~~ ~~(g)~~ fifteen dollars; (h) making a copy of any process,
4 bond, or other paper not otherwise provided for in this section,
5 ~~twenty-five~~ fifty cents per page; ~~(h)~~ (i) traveling each mile
6 actually and necessarily traveled within or without their several
7 counties in their official duties, three cents more per mile than
8 the rate provided in section 81-1176, except that the minimum fee
9 shall be fifty cents when the service is made within one mile of
10 the courthouse, and, as far as is expedient, all papers in the
11 hands of the sheriff at any one time shall be served in one or
12 more trips by the most direct route or routes and only one mileage
13 fee shall be charged for a single trip, the total mileage cost to
14 be computed as a unit for each trip and the combined mileage cost
15 of each trip to be prorated among the persons or parties liable
16 for the payment of same; ~~(i)~~ (j) levying a writ or a court order
17 and return thereof, ~~fifteen~~ thirty-two dollars; ~~(j)~~ (k) summoning
18 a grand jury, not including mileage to be paid by the county,
19 ~~ten~~ twelve dollars; ~~(k)~~ (l) summoning a petit jury, not including
20 mileage to be paid by the county, ~~twelve~~ fifteen dollars; ~~(l)~~ (m)
21 summoning a special jury, for each person impaneled, ~~fifty cents;~~
22 ~~(m)~~ five dollars; (n) calling a jury for a trial of a case or
23 cause, ~~fifty cents;~~ ~~(n)~~ five dollars; (o) executing a writ of
24 restitution or a writ of assistance and return, ~~fifteen~~ thirty-two
25 dollars; ~~(o)~~ (p) calling an inquest to appraise lands and tenements

1 levied on by execution, ~~one dollar;~~ ~~(p)~~ fifteen dollars; (q)
 2 calling an inquest to appraise goods and chattels taken by an
 3 order of attachment or replevin, ~~one dollar;~~ ~~(q)~~ fifteen dollars;
 4 (r) advertising a sale in a newspaper in addition to the price
 5 of printing, ~~one dollar;~~ ~~(r)~~ twenty dollars; (s) advertising in
 6 writing for a sale of real or personal property, ~~five~~ twenty
 7 dollars; and ~~(s)~~ (t) making deeds for land sold on execution or
 8 order of sale, ~~five~~ twenty-five dollars.

9 (2)(a) Except as provided in subdivision (b) of this
 10 subsection, the commission due a sheriff on an execution or order
 11 of sale, an order of attachment decree, or a sale of real or
 12 personal property shall be: For each dollar not exceeding four
 13 hundred dollars, ~~six~~ seven cents; for every dollar above four
 14 hundred dollars and not exceeding one thousand dollars, ~~four~~ five
 15 cents; and for every dollar above one thousand dollars, ~~two~~ three
 16 cents.

17 (b) In real estate foreclosure, when any party to the
 18 original action purchases the property or when no money is received
 19 or disbursed by the sheriff, the commission shall be computed
 20 pursuant to subdivision (a) of this subsection but shall not exceed
 21 two hundred fifty dollars.

22 (3) The sheriff shall, on the first Tuesday in January,
 23 April, July, and October of each year, make a report to the county
 24 board showing (a) the different items of fees, except mileage,
 25 collected or earned, from whom, at what time, and for what service,

1 (b) the total amount of the fees collected or earned by the officer
2 since the last report, and (c) the amount collected or earned for
3 the current year. He or she shall pay all fees earned to the county
4 treasurer who shall credit the fees to the general fund of the
5 county.

6 (4) Any future adjustment made to the reimbursement rate
7 provided in subsection (1) of this section shall be deemed to
8 apply to all provisions of law which refer to this section for the
9 computation of mileage.

10 (5) Commencing on and after ~~January 1, 1988~~, July 1,
11 2009, all fees earned pursuant to this section, except fees for
12 mileage, by any constable who is a salaried employee of the State
13 of Nebraska shall be remitted to the clerk of the county court. The
14 clerk of the county court shall pay the same to the General Fund.

15 Sec. 2. Section 69-2404, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 69-2404 Any person desiring to purchase, lease, rent,
18 or receive transfer of a handgun shall apply with the chief of
19 police or sheriff of the applicant's place of residence for a
20 certificate. The application may be made in person or by mail.
21 The application form and certificate shall be made on forms
22 approved by the Superintendent of Law Enforcement and Public
23 Safety. The application shall include the applicant's full name,
24 social security number, address, date of birth, and country of
25 citizenship. If the applicant is not a United States citizen, the

1 application shall include the applicant's place of birth and his
2 or her alien or admission number. If the application is made in
3 person, the applicant shall also present a current Nebraska motor
4 vehicle operator's license, state identification card, or military
5 identification card, or if the application is made by mail, the
6 application form shall describe the license or card used for
7 identification and be notarized by a notary public who has verified
8 the identification of the applicant through such a license or card.
9 An applicant shall receive a certificate if he or she is twenty-one
10 years of age or older and is not prohibited from purchasing or
11 possessing a handgun by 18 U.S.C. 922. A fee of ~~five~~ ten dollars
12 shall be charged for each application for a certificate to cover
13 the cost of a criminal history record check.

14 Sec. 3. Section 83-424, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 83-424 The expenses and fees of sheriffs and other
17 officers incurred in conveying convicted prisoners to any
18 Department of Correctional Services adult correctional facility
19 shall be examined, adjusted, and approved by the county board and
20 paid out of the treasury of the county in which the crime was
21 committed. The county board shall allow expenses and fees at the
22 following rates: (1) For the sheriff, ~~six~~ ten dollars per day for
23 time actually necessary in conveying a prisoner to the facility and
24 return; and (2) for each assistant or guard absolutely necessary,
25 ~~six~~ ten dollars per day. ~~No allowance for assistance shall be made~~

1 ~~when only one prisoner is conveyed to a facility.~~ The county board
2 shall allow the actual and necessary traveling expenses in going
3 and coming. When the trip is made by automobile, mileage included
4 in such expenses shall be computed at the rate provided in section
5 33-117 for county sheriffs and deputy county sheriffs for each mile
6 actually and necessarily traveled by the most direct route.

7 Sec. 4. This act becomes operative on July 1, 2009.

8 Sec. 5. Original sections 33-117 and 83-424, Reissue
9 Revised Statutes of Nebraska, and section 69-2404, Revised Statutes
10 Cumulative Supplement, 2008, are repealed.

11 Sec. 6. Since an emergency exists, this act takes effect
12 when passed and approved according to law.