

AMENDMENTS TO LB 103

Introduced by Lathrop

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Section 24-734, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 24-734 (1) A judge of any court ~~of this state,~~
6 established under the laws of the State of Nebraska ~~at chambers~~
7 ~~anywhere within the state,~~ shall, in any case in which that judge
8 is authorized to act, have power to exercise the powers conferred
9 upon a the judge and ~~upon~~ a court, and specifically to:

10 (a) Upon the stipulation of the parties to an action,
11 hear and determine any matter, including the trial of an equity
12 case or case at law in which a jury has been waived;

13 (b) Hear and determine pretrial and posttrial matters
14 in civil cases not involving testimony of witnesses by oral
15 examination;

16 (c) With the consent of the defendant, receive pleas of
17 guilty and pass sentences in criminal cases;

18 (d) With the consent of the defendant, hear and determine
19 pretrial and posttrial matters in criminal cases;

20 (e) Hear and determine cases brought by petition in error
21 or appeal not involving testimony of witnesses by oral examination;

22 (f) Hear and determine any matter in juvenile cases with
23 the consent of the guardian ad litem or attorney for the minor,

1 the other parties to the proceedings, and the attorneys for those
2 parties, if any; and

3 (g) Without notice, make any order and perform any act
4 which may lawfully be made or performed by him or her ex parte ~~in~~
5 ~~open court~~ in any action or proceeding which is on file in any
6 district of this state. ~~and~~

7 ~~(h) Render any judgment or make any order at any location~~
8 ~~even though the action is pending in a county other than the place~~
9 ~~in which the judge is physically present.~~

10 (2) A judgment or order made pursuant to this section
11 shall be deemed effective when the judgment is entered in
12 accordance with the provisions of subsection (3) of section
13 25-1301.

14 (3) The judge, in his or her discretion, may in
15 any proceeding authorized by the provisions of this section
16 not involving testimony of witnesses by oral examination, use
17 telephonic, videoconferencing, or similar methods to conduct
18 such proceedings. The court may require the parties to make
19 reimbursement for any ~~telephone~~ charges incurred.

20 (4) A judge, in any case with the consent of the parties,
21 may permit any witness who is to be examined by oral examination to
22 appear by telephonic, videoconferencing, or similar methods, with
23 any costs thereof to be taxed as costs.

24 ~~(4)~~ (5) The enumeration of the powers in subsections (1),
25 (2), and (3) of this section shall not be construed to deny the
26 right of a party to trial by jury in the county in which the action
27 was first filed if such right otherwise exists.

1 ~~(5)~~ (6) Nothing in this section shall be construed to
2 exempt proceedings under this section from the provisions of the
3 Guidelines for Use by Nebraska Courts in Determining When and Under
4 What Conditions a Hearing Before Such Court May Be Closed in Whole
5 or in Part to the Public, adopted by the Supreme Court of the
6 State of Nebraska September 8, 1980, and any amendments to those
7 provisions.

8 Sec. 2. Section 43-278, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-278 Except as provided in sections 43-254.01 and
11 43-277.01, all cases filed under subdivision (3) of section 43-247
12 shall have an adjudication hearing not more than ninety days after
13 a petition is filed. Upon a showing of good cause, the court may
14 continue the case beyond the ninety-day period. The court shall
15 also review every case filed under such subdivision which has
16 been adjudicated or transferred to it for disposition not less
17 than once every six months. All communications, notices, orders,
18 authorizations, and requests authorized or required in the Nebraska
19 Juvenile Code; all nonevidentiary hearings; and any evidentiary
20 hearings approved by the court and by stipulation of all parties
21 may be heard by the court telephonically or by videoconferencing in
22 a manner that ensures the preservation of an accurate record. All
23 of the orders generated by way of a telephonic or videoconference
24 hearing shall be recorded as if the judge were conducting a hearing
25 on the record. ~~Telephonic and videoconference hearings allowed~~
26 ~~under this section shall not be in conflict with section 24-734.~~

27 Sec. 3. Original section 24-734, Reissue Revised Statutes

AM86
LB103
DCC-01/30/2013

AM86
LB103
DCC-01/30/2013

1 of Nebraska, and section 43-278, Revised Statutes Cumulative
2 Supplement, 2012, are repealed.