

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 65

Introduced by Schilz, 47.

Read first time January 10, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to sheriff's fees and commissions; to amend
2 section 33-117, Revised Statutes Cumulative Supplement,
3 2012; to authorize counties to set such fees and
4 commissions; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 33-117, Revised Statutes Cumulative
2 Supplement, 2012, 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 be as
5 follows: (a) Serving a capias with commitment or bail bond and
6 return, two dollars; (b) serving a search warrant, two dollars; (c)
7 arresting under a search warrant, two dollars for each person so
8 arrested; (d) unless otherwise specifically listed in subdivisions
9 (f) to (s) of this subsection, serving a summons, subpoena, order of
10 attachment, order of replevin, other order of the court, notice of
11 motion, other notice, other writ or document, or any combination
12 thereof, including any accompanying or attached documents, twelve
13 dollars for each person served, except that when more than one person
14 is served at the same time and location in the same case, the service
15 fee shall be twelve dollars for the first person served at that time
16 and location and three dollars for each other person served at that
17 time and location; (e) making a return of each summons, subpoena,
18 order of attachment, order of replevin, other order of the court,
19 notice of motion, other notice, or other writ or document, whether
20 served or not, six dollars; (f) taking and filing a replevin bond or
21 other indemnification to be furnished and approved by the sheriff,
22 one dollar; (g) making a copy of any process, bond, or other paper
23 not otherwise provided for in this section, twenty-five cents per
24 page; (h) traveling each mile actually and necessarily traveled
25 within or without their several counties in their official duties,

1 three cents more per mile than the rate provided in section 81-1176,
2 except that the minimum fee shall be fifty cents when the service is
3 made within one mile of the courthouse, and, as far as is expedient,
4 all papers in the hands of the sheriff at any one time shall be
5 served in one or more trips by the most direct route or routes and
6 only one mileage fee shall be charged for a single trip, the total
7 mileage cost to be computed as a unit for each trip and the combined
8 mileage cost of each trip to be prorated among the persons or parties
9 liable for the payment of same; (i) levying a writ or a court order
10 and return thereof, eighteen dollars; (j) summoning a grand jury, not
11 including mileage to be paid by the county, ten dollars; (k)
12 summoning a petit jury, not including mileage to be paid by the
13 county, twelve dollars; (l) summoning a special jury, for each person
14 impaneled, fifty cents; (m) calling a jury for a trial of a case or
15 cause, fifty cents; (n) executing a writ of restitution or a writ of
16 assistance and return, eighteen dollars; (o) calling an inquest to
17 appraise lands and tenements levied on by execution, one dollar; (p)
18 calling an inquest to appraise goods and chattels taken by an order
19 of attachment or replevin, one dollar; (q) advertising a sale in a
20 newspaper in addition to the price of printing, one dollar; (r)
21 advertising in writing for a sale of real or personal property, five
22 dollars; and (s) making deeds for land sold on execution or order of
23 sale, five dollars.

24 (2)(a) Except as provided in subdivision (b) of this
25 subsection, the commission due a sheriff on an execution or order of

1 sale, an order of attachment decree, or a sale of real or personal
2 property shall be: For each dollar not exceeding four hundred
3 dollars, six cents; for every dollar above four hundred dollars and
4 not exceeding one thousand dollars, four cents; and for every dollar
5 above one thousand dollars, two cents.

6 (b) In real estate foreclosure, when any party to the
7 original action purchases the property or when no money is received
8 or disbursed by the sheriff, the commission shall be computed
9 pursuant to subdivision (a) of this subsection but shall not exceed
10 two hundred dollars.

11 (3) The sheriff shall, on the first Tuesday in January,
12 April, July, and October of each year, make a report to the county
13 board showing (a) the different items of fees, except mileage,
14 collected or earned, from whom, at what time, and for what service,
15 (b) the total amount of the fees collected or earned by the officer
16 since the last report, and (c) the amount collected or earned for the
17 current year. He or she shall pay all fees earned to the county
18 treasurer who shall credit the fees to the general fund of the
19 county.

20 (4) Any future adjustment made to the reimbursement rate
21 provided in subsection (1) of this section shall be deemed to apply
22 to all provisions of law which refer to this section for the
23 computation of mileage.

24 (5) Commencing on and after January 1, 1988, all fees
25 earned pursuant to this section, except fees for mileage, by any

1 constable who is a salaried employee of the State of Nebraska shall
2 be remitted to the clerk of the county court. The clerk of the county
3 court shall pay the same to the General Fund.

4 (6) Beginning January 1, 2014, the county board shall, by
5 resolution, subject to public hearing set the rates of all necessary
6 and applicable fees and commissions charged by the sheriff, with the
7 advice and consultation of the sheriff. Such fees and commissions
8 shall include, but not be limited to, the fees and commissions set
9 forth in this section.

10 Sec. 2. Original section 33-117, Revised Statutes
11 Cumulative Supplement, 2012, is repealed.