

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 807

FINAL READING

Introduced by Williams, 36.

Read first time January 07, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to county attorneys; to amend section 23-1201,
2 Reissue Revised Statutes of Nebraska; to change a provision relating
3 to quarterly reports of criminal cases by county attorneys; and to
4 repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1201, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-1201 (1) Except as provided in subdivision (2) of section 84-205
4 or if a person is participating in a pretrial diversion program
5 established pursuant to sections 29-3601 to 29-3604 or a juvenile
6 pretrial diversion program established pursuant to sections 43-260.02 to
7 43-260.07, it shall be the duty of the county attorney, when in
8 possession of sufficient evidence to warrant the belief that a person is
9 guilty and can be convicted of a felony or misdemeanor, to prepare, sign,
10 verify, and file the proper complaint against such person and to appear
11 in the several courts of the county and prosecute the appropriate
12 criminal proceeding on behalf of the state and county. Prior to reaching
13 a plea agreement with defense counsel, the county attorney shall consult
14 with or make a good faith effort to consult with the victim regarding the
15 content of and reasons for such plea agreement. The county attorney shall
16 record such consultation or effort in his or her office file.

17 (2) It shall be the duty of the county attorney to prosecute or
18 defend, on behalf of the state and county, all suits, applications, or
19 motions, civil or criminal, arising under the laws of the state in which
20 the state or the county is a party or interested. The county attorney may
21 be directed by the Attorney General to represent the state in any action
22 or matter in which the state is interested or a party. When such services
23 require the performance of duties which are in addition to the ordinary
24 duties of the county attorney, he or she shall receive such fee for his
25 or her services, in addition to the salary as county attorney, as (a) the
26 court shall order in any action involving court appearance or (b) the
27 Attorney General shall authorize in other matters, with the amount of
28 such additional fee to be paid by the state. It shall also be the duty of
29 the county attorney to appear and prosecute or defend on behalf of the
30 state and county all such suits, applications, or motions which may have
31 been transferred by change of venue from his or her county to any other

1 county in the state. Any counsel who may have been assisting the county
2 attorney in any such suits, applications, or motions in his or her county
3 may be allowed to assist in any other county to which such cause has been
4 removed. The county attorney shall file the annual inventory statement
5 with the county board of county personal property in his or her
6 possession as provided in sections 23-346 to 23-350. It shall be the
7 further duty of the county attorney of each county, within three days
8 from the calling to his or her attention of any violation of the
9 requirements of the law concerning annual inventory statements from
10 county officers, to institute proceedings against such offending officer
11 and in addition thereto to prosecute the appropriate action to remove
12 such county officer from office. When it is the county attorney who is
13 charged with failure to comply with this section, the Attorney General of
14 Nebraska may bring the action. It shall be the duty of the county
15 attorney to make a report on the tenth day of each quarter to the county
16 board which shall show final disposition of all criminal cases the
17 previous quarter, criminal cases pending on the last day of the previous
18 quarter, and criminal cases appealed during the past quarter. The county
19 board ~~in counties having less than two hundred thousand population~~ may
20 waive the duty to make such report.

21 Sec. 2. Original section 23-1201, Reissue Revised Statutes of
22 Nebraska, is repealed.