

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 105**

Introduced by Watermeier, 1.

Read first time January 08, 2015

Committee: Appropriations

1 A BILL FOR AN ACT relating to county government; to amend sections  
2 23-1801, 23-1822, 33-139, and 48-135, Reissue Revised Statutes of  
3 Nebraska, and section 33-138, Revised Statutes Cumulative  
4 Supplement, 2014; to change provisions relating to the payment of  
5 fees and costs associated with the deaths of incarcerated persons  
6 and grand juries; to harmonize provisions; and to repeal the  
7 original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1801, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 23-1801 (1) The coroner shall hold an inquest upon the dead bodies  
4 of such persons only as are supposed to have died by unlawful means. When  
5 the coroner has notice of the presence in the county of the body of a  
6 person supposed to have died by unlawful means, the coroner may, at his  
7 or her discretion, issue a warrant to a sheriff of the county requiring  
8 the sheriff to summon six residents of the county to appear before the  
9 coroner at a time and place named in the warrant.

10 (2) Each juror shall receive for each day employed in the discharge  
11 of his or her duty the sum of twenty dollars to be paid by certificate  
12 drawn by the coroner on the general funds of the county, except that when  
13 the person supposed to have died by unlawful means died while serving a  
14 sentence in a state correctional institution, the sum shall be paid by  
15 the State of Nebraska.

16 (3) A juror may voluntarily waive payment under this section for his  
17 or her service as a juror.

18 Sec. 2. Section 23-1822, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 23-1822 In each instance when the county coroner is given notice in  
21 accordance with section 23-1821, the coroner or coroner's physician shall  
22 perform an examination, a test, or an autopsy as he or she may deem  
23 necessary to establish, by a reasonable degree of medical certainty, the  
24 cause or causes of death and shall thereafter certify the cause or causes  
25 of death to the presiding judge of the district court. The costs of the  
26 examination, test, or autopsy shall be paid by the county in which the  
27 person died, except that when the person died while serving a sentence in  
28 a state correctional institution, the costs shall be paid by the State of  
29 Nebraska.

30 Sec. 3. Section 33-138, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

1           33-138 (1) Each member of a grand or petit jury in a district court  
2 or county court shall receive for his or her services thirty dollars for  
3 each day employed in the discharge of his or her duties prior to January  
4 1, 1994, and thirty-five dollars for each such day on or after such date  
5 and mileage at the rate provided in section 81-1176 for each mile  
6 necessarily traveled. No juror shall be entitled to pay for the days he  
7 or she is voluntarily absent or excused from service by order of the  
8 court. No juror shall be entitled to pay for nonjudicial days unless  
9 actually employed in the discharge of his or her duties as a juror on  
10 such days.

11           (2) In the event that any temporary release from service, other than  
12 that obtained by the request of a juror, shall occasion an extra trip or  
13 trips to and from the residence of any juror or jurors the court may, by  
14 special order, allow mileage for such extra trip or trips.

15           (3) Payment of jurors for service in the district and county courts  
16 shall be made by the county, except that in a case before a grand jury  
17 involving the death of an inmate who died while serving a sentence in a  
18 state correctional institution, payment shall be made by the State of  
19 Nebraska.

20           (4) A juror may voluntarily waive payment under this section for his  
21 or her service as a juror.

22           Sec. 4. Section 33-139, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           33-139 Witnesses before the district court and the county court,  
25 except the Small Claims Court, and the grand jury shall receive twenty  
26 dollars, and witnesses before the Small Claims Court shall receive eight  
27 dollars, for each day actually employed in attendance on the court or  
28 grand jury, and if the witness shall reside more than one mile from the  
29 courthouse or place where the court is held, he or she shall receive  
30 mileage at the rate provided in section 81-1176 for state employees for  
31 each mile necessarily traveled. Such compensation shall be paid by the

1 county, except that in a case before a grand jury involving the death of  
2 an inmate who died while serving a sentence in a state correctional  
3 institution, witness compensation shall be paid by the State of Nebraska.

4       Sec. 5. Section 48-135, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6       48-135 Except as provided in sections 23-1822 and section 23-1824,  
7 in all death claims, where the cause of death is obscure or disputed, any  
8 interested party may require an autopsy, the cost of such autopsy to be  
9 borne by the party demanding the same.

10       Sec. 6. Original sections 23-1801, 23-1822, 33-139, and 48-135,  
11 Reissue Revised Statutes of Nebraska, and section 33-138, Revised  
12 Statutes Cumulative Supplement, 2014, are repealed.