

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 651

Introduced by Bloomfield, 17.

Read first time January 21, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to criminal procedure; to amend sections
- 2 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska; to change
- 3 liability for certain court costs as prescribed; and to repeal the
- 4 original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-2704, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-2704 Upon examination in county court on complaint of a felony,
4 whether the accused is held to answer in court or discharged, the court
5 may file with the county clerk a certified transcript of the costs,
6 except for costs found to be uncollectible ~~as assessed~~ under section
7 29-2709, giving the items of the same, and to whom each is due, and on
8 what account. As early as may be after the filing of such bill, but
9 without assembling for the special purpose, the county board of the
10 proper county shall examine into such bill of costs as to its
11 correctness, justice, and legality and may, if need be, examine under
12 oath any person upon the subject, which oath may be administered by the
13 county clerk.

14 It shall be the duty of the board to disallow any item, in whole or
15 in part, of such bill that is found to be unlawful or needlessly
16 incurred, or if it appears that the complaint was made for a felony when
17 it should have been for a misdemeanor only, it may in its discretion
18 disallow the entire bill or any part thereof.

19 The board may order that such bill, or so much thereof as it finds
20 to be lawful and just, be paid from the county treasury, whereupon the
21 county clerk shall draw warrants upon the county treasurer for the sums
22 respectively due to each person upon such bill so allowed, which warrants
23 the treasurer shall pay from the county general fund. The amount of costs
24 so allowed shall be certified by the county clerk, and the certificate
25 filed with the papers in the cause, in the office of the clerk of the
26 district court. If the defendant shall be convicted, judgment shall be
27 rendered against him or her for the costs so allowed, in addition to the
28 costs made in the district court.

29 Sec. 2. Section 29-2709, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-2709 When any costs in misdemeanor, traffic, felony preliminary,

1 or juvenile cases in county court, ~~except for those costs provided for in~~
2 ~~subsection (3) of section 24-703, two dollars of the fee provided in~~
3 ~~section 33-107.01, the court automation fee provided in section~~
4 ~~33-107.03, and the uniform data analysis fee provided in section 47-633,~~
5 are found by a county judge to be uncollectible for any reason, including
6 the dismissal of the case, such costs shall be deemed waived, ~~unless the~~
7 ~~judge, in his or her discretion, enters an order assessing such portion~~
8 ~~of the costs as by law would be paid over by the court to the State~~
9 ~~Treasurer as follows:~~

10 (1) ~~In all cases brought by or with the consent of the county~~
11 ~~attorney, all such uncollectible costs shall be certified by the clerk of~~
12 ~~the court to the county clerk who shall present the bills therefor to the~~
13 ~~county board. The county board shall pay from the county general fund all~~
14 ~~such bills found by the board to be lawful; and~~

15 (2) ~~In all cases brought under city or village ordinance, all such~~
16 ~~uncollectible costs shall be certified to the appropriate city or village~~
17 ~~officer authorized to receive claims who shall present the bills therefor~~
18 ~~to the governing body of the city or village in the same manner as other~~
19 ~~claims. Such governing body shall pay from the general fund of the city~~
20 ~~or village all such bills as are found to be lawful.~~

21 Sec. 3. Original sections 29-2704 and 29-2709, Reissue Revised
22 Statutes of Nebraska, are repealed.