

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION

LEGISLATIVE BILL 54

Introduced by Wayne, 13.

Read first time July 29, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to county attorneys; to amend section 23-1212,
2 Reissue Revised Statutes of Nebraska; to provide for the powers and
3 duties of county attorneys and deputy county attorneys in certain
4 counties to be performed by district attorneys and deputy district
5 attorneys appointed by the Attorney General; to define terms; to
6 provide powers and duties for the Attorney General; to harmonize
7 provisions; and to repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Covered county means a county with a population of less than one
3 hundred thousand inhabitants;

4 (b) District means a district court judicial district described in
5 section 24-301.02, excluding judicial districts 3 and 4; and

6 (c) Population refers to the population as determined by the most
7 recent federal decennial census or the most recent revised certified
8 count by the United States Bureau of the Census.

9 (2) Beginning January 1, 2026, in each covered county the powers and
10 duties of county attorneys and deputy county attorneys in criminal
11 matters and juvenile court matters shall be performed by district
12 attorneys and deputy district attorneys as provided in this section.

13 (3) The Attorney General shall designate a district attorney for
14 each district to begin serving effective January 1, 2026. A district
15 attorney shall serve as the county attorney for criminal matters and
16 juvenile court matters for each of the covered counties contained within
17 the district.

18 (4) The Attorney General may assign additional deputy district
19 attorneys and support staff to each district attorney as necessary to
20 handle the workload in the district. All district attorneys, deputy
21 district attorneys, and staff assigned by the Attorney General to a
22 district shall be full-time employees of the office of the Attorney
23 General and shall not engage in the private practice of law.

24 Sec. 2. Section 23-1212, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 23-1212 For purposes of sections 23-1212 to 23-1222, unless the
27 context otherwise requires:

28 (1) County attorney ~~means shall mean~~ the county attorney of a county
29 in this state whether such position is elective or appointive and
30 regardless of whether such position is full time or part time. County
31 attorney also includes a district attorney assigned by the Attorney

1 General pursuant to section 1 of this act;

2 (2) Deputy county attorney means shall mean an attorney employed by
3 a county in this state for the purpose of assisting the county attorney
4 in carrying out his or her responsibilities regardless of whether such
5 position is full time or part time. Deputy county attorney also includes
6 a deputy district attorney assigned by the Attorney General pursuant to
7 section 1 of this act;

8 (3) Council means shall mean the Nebraska County Attorney Standards
9 Advisory Council;

10 (4) Attorney General means shall mean the Nebraska Attorney General;

11 (5) Commission means shall mean the Nebraska Commission on Law
12 Enforcement and Criminal Justice; and

13 (6) Continuing legal education, including instruction providing a
14 working knowledge of electronic speed measurement principles and
15 instruction on the investigation and prosecution of crimes against
16 children, means shall mean that type of legal education, including
17 instruction providing a working knowledge of electronic speed measurement
18 principles and instruction on the investigation and prosecution of crimes
19 against children, which has application to and seeks to maintain and
20 improve the skills of the county attorney and deputy county attorney in
21 carrying out the responsibilities of his or her office or position.

22 Sec. 3. Original section 23-1212, Reissue Revised Statutes of
23 Nebraska, is repealed.