

LEGISLATIVE BILL 872

Approved by the Governor March 2, 1990

Introduced by Peterson, 21

AN ACT relating to sheriffs; to amend sections 23-1708 and 23-1709, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision which allows a sheriff to execute process after expiration of his or her term; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 23-1708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1708. Sheriffs and their deputies may execute any process which may be in their hands at the expiration of their office, and in in case of a vacancy occurring in the office of sheriff from any cause his the deputy or deputies shall be under obligation to execute legal process then in his or their hands, and he and they will remain liable under the provisions of law as in other cases until the vacancy is filled.

Sec. 2. That section 23-1709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1709. When a sheriff goes out of office he or she shall deliver to his or her successor all books and papers pertaining to the office, and all property attached or levied upon, except as provided in section 23-1708; and all prisoners in jail, and shall take his a receipt specifying the same. The and such receipt shall be sufficient indemnity to the person taking it.

Sec. 3. That original sections 23-1708 and 23-1709, Reissue Revised Statutes of Nebraska, 1943, are repealed.