

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 47**

Introduced by Watermeier, 1.

Read first time January 05, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to county government; to amend sections  
2 23-1822, 33-138, 33-139, and 48-135, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to the payment of fees and  
4 costs associated with grand juries and the deaths of incarcerated  
5 persons; to harmonize provisions; and to repeal the original  
6 sections.

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

1 Section 1. Section 23-1822, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 23-1822 In each instance when the county coroner is given notice in  
4 accordance with section 23-1821 or when a grand jury is required to be  
5 called pursuant to subsection (4) of section 29-1401, the coroner or  
6 coroner's physician shall perform examinations, tests ~~an examination, a~~  
7 ~~test~~, or an autopsy as he or she may deem necessary to establish, by a  
8 reasonable degree of medical certainty, the cause or causes of death and  
9 shall thereafter certify the cause or causes of death to the presiding  
10 judge of the district court. All costs of the examinations, tests, and  
11 autopsy shall be paid by the county in which the person died, except that  
12 when the person died while serving a sentence in a state correctional  
13 institution, the costs shall be paid by the State of Nebraska.

14 Sec. 2. Section 33-138, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 33-138 (1) Each member of a grand or petit jury in a district court  
17 or county court shall receive for his or her services thirty dollars for  
18 each day employed in the discharge of his or her duties prior to January  
19 1, 1994, and thirty-five dollars for each such day on or after such date  
20 and mileage at the rate provided in section 81-1176 for each mile  
21 necessarily traveled. No juror shall be entitled to pay for the days he  
22 or she is voluntarily absent or excused from service by order of the  
23 court. No juror shall be entitled to pay for nonjudicial days unless  
24 actually employed in the discharge of his or her duties as a juror on  
25 such days.

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

30 (3) Payment of jurors for service in the district and county courts  
31 shall be made by the county, except that in a case before a grand jury

1 involving the death of an inmate who died while serving a sentence in a  
2 state correctional institution, payment shall be made by the State of  
3 Nebraska.

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

6 Sec. 3. Section 33-139, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 33-139 Witnesses before the district court and the county court,  
9 except the Small Claims Court, and the grand jury shall receive twenty  
10 dollars, and witnesses before the Small Claims Court shall receive eight  
11 dollars, for each day actually employed in attendance on the court or  
12 grand jury, and if the witness shall reside more than one mile from the  
13 courthouse or place where the court is held, he or she shall receive  
14 mileage at the rate provided in section 81-1176 for state employees for  
15 each mile necessarily traveled. Such compensation shall be paid by the  
16 county, except that in a case before a grand jury involving the death of  
17 an inmate who died while serving a sentence in a state correctional  
18 institution, witness compensation shall be paid by the State of Nebraska.

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

21 48-135 Except as provided in sections 23-1822 and section 23-1824,  
22 in all death claims, where the cause of death is obscure or disputed, any  
23 interested party may require an autopsy, the cost of such autopsy to be  
24 borne by the party demanding the same.

25 Sec. 5. Original sections 23-1822, 33-138, 33-139, and 48-135,  
26 Reissue Revised Statutes of Nebraska, are repealed.