

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 824

Introduced by Bourne, 8

Read first time January 4, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend sections 25-2009, 29-812,
2 29-814.01, and 43-2,129, Reissue Revised Statutes of
3 Nebraska, and section 25-2720.01, Revised Statutes
4 Cumulative Supplement, 2004; to change provisions
5 relating to the Court of Appeals, county courts, juvenile
6 courts, and search warrants; to harmonize provisions; and
7 to repeal the original sections.

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

1 Section 1. Section 25-2009, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-2009 The provisions of ~~this chapter~~ Chapter 25 shall
4 apply to the Supreme Court, Court of Appeals, and county court, so
5 far as the same may be applicable to the judgments or final orders
6 of such courts. The parties shall be limited to the same time in
7 which to commence proceedings; and in estimating time, the county
8 court shall, for such purpose, be considered as holding, in each
9 year, a regular term of court commencing on ~~the first Monday of~~
10 ~~each calendar month~~ January 1.

11 Sec. 2. Section 25-2720.01, Revised Statutes Cumulative
12 Supplement, 2004, is amended to read:

13 25-2720.01 The county court, including the county court
14 when sitting as a juvenile court, shall have the power to set aside
15 default judgments and to vacate or modify its own judgments or
16 orders during or after the term at which such judgments or orders
17 were made in the same manner as provided for actions filed in the
18 district court.

19 Sec. 3. Section 29-812, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 29-812 A search warrant authorized by sections 29-812 to
22 29-821 may be issued by any judge of the county court, district
23 court, Court of Appeals, or Supreme Court for execution anywhere
24 within the State of Nebraska. A similar search warrant authorized
25 by such sections may be issued, by any judge of the county court

1 ~~within his or her district or~~, subject to section 24-519, by any
2 clerk magistrate within the county in which the property sought is
3 located.

4 Sec. 4. Section 29-814.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 29-814.01 A search warrant may be issued under section
7 29-814.04 pursuant to written affidavit sworn to before a
8 magistrate, a ~~or~~ judge, or any other person authorized to
9 administer oaths under the laws of this state by the person making
10 it. Such affidavit shall particularly describe the persons or
11 places to be searched and the persons or property to be seized.
12 Such affidavit shall set forth the facts and circumstances tending
13 to show that such person or property is in the place, or the
14 property is in the possession of the person, to be searched. Such
15 affidavit may be submitted to the magistrate or judge in person
16 or by facsimile or other electronic means and the warrant may be
17 issued to the affiant in person or by facsimile or other electronic
18 means.

19 Sec. 5. Section 43-2,129, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-2,129 Sections 43-245 to 43-2,129 and section 6 of
22 this act shall be known and may be cited as the Nebraska Juvenile
23 Code.

24 Sec. 6. The separate juvenile court and the county court
25 sitting as a juvenile court shall have the power to vacate or

1 modify its own judgments or orders during or after the term at
2 which such judgments or orders were made in the same manner as
3 provided for actions filed in the district court.

4 Sec. 7. Original sections 25-2009, 29-812, 29-814.01,
5 and 43-2,129, Reissue Revised Statutes of Nebraska, and section
6 25-2720.01, Revised Statutes Cumulative Supplement, 2004, are
7 repealed.