

## LEGISLATIVE BILL 103

Approved by the Governor May 7, 2013

Introduced by Lathrop, 12.

FOR AN ACT relating to courts; to amend section 24-734, Reissue Revised Statutes of Nebraska, and section 43-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to judges' general powers; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 24-734, Reissue Revised Statutes of Nebraska, is amended to read:

24-734 (1) A judge of any court ~~of this state,~~ established under the laws of the State of Nebraska, ~~at chambers anywhere within the state,~~ shall, in any case in which that judge is authorized to act, have power to exercise the powers conferred upon a the judge and ~~upon~~ a court, and specifically to:

(a) Upon the stipulation of the parties to an action, hear and determine any matter, including the trial of an equity case or case at law in which a jury has been waived;

(b) Hear and determine pretrial and posttrial matters in civil cases not involving testimony of witnesses by oral examination;

(c) With the consent of the defendant, receive pleas of guilty and pass sentences in criminal cases;

(d) With the consent of the defendant, hear and determine pretrial and posttrial matters in criminal cases;

(e) Hear and determine cases brought by petition in error or appeal not involving testimony of witnesses by oral examination;

(f) Hear and determine any matter in juvenile cases with the consent of the guardian ad litem or attorney for the minor, the other parties to the proceedings, and the attorneys for those parties, if any; and

(g) Without notice, make any order and perform any act which may lawfully be made or performed by him or her ~~ex parte in open court~~ in any action or proceeding which is on file in any district of this state, and

~~(h) Render any judgment or make any order at any location even though the action is pending in a county other than the place in which the judge is physically present.~~

(2) A judgment or order made pursuant to this section shall be deemed effective when the judgment is entered in accordance with the provisions of subsection (3) of section 25-1301.

(3) The judge, in his or her discretion, may in any proceeding authorized by the provisions of this section not involving testimony of witnesses by oral examination, use telephonic, videoconferencing, or similar methods to conduct such proceedings. The court may require the parties to make reimbursement for any ~~telephone~~ charges incurred.

(4) A judge, in any case with the consent of the parties, may permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods, with any costs thereof to be taxed as costs.

~~(4)~~ (5) The enumeration of the powers in subsections (1), (2), and (3), and (4) of this section shall not be construed to deny the right of a party to trial by jury in the county in which the action was first filed if such right otherwise exists.

~~(5)~~ (6) Nothing in this section shall be construed to exempt proceedings under this section from the provisions of the Guidelines for Use by Nebraska Courts in Determining When and Under What Conditions a Hearing Before Such Court May Be Closed in Whole or in Part to the Public, adopted by the Supreme Court of the State of Nebraska September 8, 1980, and any amendments to those provisions.

Sec. 2. Section 43-278, Revised Statutes Cumulative Supplement, 2012, is amended to read:

43-278 Except as provided in sections 43-254.01 and 43-277.01, all cases filed under subdivision (3) of section 43-247 shall have an adjudication hearing not more than ninety days after a petition is filed. Upon a showing of good cause, the court may continue the case beyond the ninety-day period. The court shall also review every case filed under such subdivision which has been adjudicated or transferred to it for disposition not less than once every six months. All communications, notices, orders, authorizations, and requests authorized or required in the Nebraska Juvenile Code; all nonevidentiary hearings; and any evidentiary hearings approved by the court

and by stipulation of all parties may be heard by the court telephonically or by videoconferencing in a manner that ensures the preservation of an accurate record. All of the orders generated by way of a telephonic or videoconference hearing shall be recorded as if the judge were conducting a hearing on the record. ~~Telephonic and videoconference hearings allowed under this section shall not be in conflict with section 24-734.~~

Sec. 3. Original section 24-734, Reissue Revised Statutes of Nebraska, and section 43-278, Revised Statutes Cumulative Supplement, 2012, are repealed.