

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 912

Introduced by Brandt, 32; Briese, 41; Lathrop, 12; Wayne, 13; Williams,
36.

Read first time January 10, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to courts; to amend section 24-734, Reissue
2 Revised Statutes of Nebraska; to change provisions relating to
3 examination or witnesses by telephonic, videoconferencing, and
4 similar methods; to harmonize provisions; and to repeal the original
5 section.

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

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

3 24-734 (1) A judge of any court established under the laws of the
4 State of Nebraska shall, in any case in which that judge is authorized to
5 act, have power to exercise the powers conferred upon the judge and
6 court, and specifically to:

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

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

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

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

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

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

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

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

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

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

5 (5)(a) Unless an objection under subdivision (5)(b) of this section
6 is sustained, in any civil case, a judge shall permit any witness who is
7 to be examined by oral examination to appear by telephonic,
8 videoconferencing, or similar methods, with any costs thereof to be taxed
9 as costs.

10 (b) A party may object to examination by telephonic,
11 videoconferencing, or similar methods under subdivision (5)(b) of this
12 section on grounds of unreliability or unfairness. The objecting party
13 has the burden of proving unreliability or unfairness by a preponderance
14 of the evidence.

15 (6) ~~(5)~~ The enumeration of the powers in subsections (1), (2), (3),
16 ~~and (4), and (5)~~ of this section shall not be construed to deny the right
17 of a party to trial by jury in the county in which the action was first
18 filed if such right otherwise exists.

19 (7) ~~(6)~~ Nothing in this section shall be construed to exempt
20 proceedings under this section from the provisions of the Guidelines for
21 Use by Nebraska Courts in Determining When and Under What Conditions a
22 Hearing Before Such Court May Be Closed in Whole or in Part to the
23 Public, adopted by the Supreme Court of the State of Nebraska September
24 8, 1980, and any amendments to those provisions.

25 Sec. 2. Original section 24-734, Reissue Revised Statutes of
26 Nebraska, is repealed.