

AMENDMENTS TO LB636

Introduced by Ibach, 44.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 33-117, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 33-117 (1) The several sheriffs shall charge and collect fees at the
6 rates specified in this section. The rates shall be as follows:

7 (a) Serving a capias with commitment or bail bond and return, twenty
8 ~~two~~ dollars; ~~(b) serving a search warrant, two dollars;~~ ~~(c) arresting~~
9 ~~under a search warrant, two dollars for each person so arrested;~~

10 (b) Unless ~~(d) unless~~ otherwise specifically listed in subdivisions
11 ~~(d) (f)~~ through ~~(o) (s)~~ of this subsection, serving a summons, subpoena,
12 order of attachment, order of replevin, other order of the court, notice
13 of motion, other notice, other writ or document, or any combination
14 thereof, including any accompanying or attached documents, twenty twelve
15 dollars for each person served, except that when more than one person is
16 served at the same time and location in the same case, the service fee
17 shall be twenty twelve dollars for the first person served at that time
18 and location and five ~~three~~ dollars for each other person served at that
19 time and location;

20 (c) Making ~~(e) making~~ a return of each summons, subpoena, order of
21 attachment, order of replevin, other order of the court, notice of
22 motion, other notice, or other writ or document, whether served or not,
23 ten six dollars;

24 (d) Taking ~~(f) taking~~ and filing a replevin bond or other
25 indemnification to be furnished and approved by the sheriff, ten dollars
26 ~~one dollar~~;

27 (e) Making ~~(g) making~~ a copy of any process, bond, or other paper

1 not otherwise provided for in this section, seventy-five ~~twenty-five~~
2 cents per page;

3 (f) Traveling ~~(h) traveling~~ each mile actually and necessarily
4 traveled within or without their several counties in their official
5 duties, ~~three cents more per mile than the rate provided in section~~
6 ~~81-1176 for all trips exceeding one mile from the courthouse, plus a~~
7 ~~minimum fee of two dollars for each trip, regardless of the miles~~
8 ~~traveled; , except that the minimum fee shall be fifty cents when the~~
9 ~~service is made within one mile of the courthouse, and, as far as is~~
10 ~~expedient, all papers in the hands of the sheriff at any one time shall~~
11 ~~be served in one or more trips by the most direct route or routes and~~
12 ~~only one mileage fee shall be charged for a single trip, the total~~
13 ~~mileage cost to be computed as a unit for each trip and the combined~~
14 ~~mileage cost of each trip to be prorated among the persons or parties~~
15 ~~liable for the payment of same;~~

16 (g) Levying ~~(i) levying~~ a writ or a court order and return thereof,
17 thirty eighteen dollars;

18 (h) Summoning ~~(j) summoning~~ a grand jury, petit jury, or special
19 jury, not including mileage to be paid by the county, eighty-five ~~ten~~
20 dollars; ~~(k) summoning a petit jury, not including mileage to be paid by~~
21 ~~the county, twelve dollars; (l) summoning a special jury, for each person~~
22 ~~impaneled, fifty cents;~~

23 (i) Calling ~~(m) calling~~ a jury for a trial of a case or cause,
24 thirty dollars ~~fifty cents;~~

25 (j) Executing ~~(n) executing~~ a writ of restitution or a writ of
26 assistance and return, thirty eighteen dollars, plus twenty-five ~~dollars~~
27 per hour for the time spent on site in excess of one hour;

28 (k) Calling ~~(o) calling~~ an inquest to appraise lands and tenements
29 levied on by execution, thirty dollars, plus the hourly rate charged by
30 the person hired to appraise the property subject to execution ~~one~~
31 ~~dollar;~~

1 (l) Calling ~~(p) calling~~ an inquest to appraise goods and chattels
2 taken by an order of attachment or replevin, thirty dollars, plus the
3 hourly rate charged by the person hired to appraise the property subject
4 to attachment or replevin ~~one dollar~~;

5 (m) Advertising ~~(q) advertising~~ a sale in a newspaper in addition to
6 the price of printing, twenty dollars ~~one dollar~~;

7 (n) Advertising ~~(r) advertising~~ in writing for a sale of real or
8 personal property, twenty five dollars; and

9 (o) Making ~~(s) making~~ deeds for land sold on execution or order of
10 sale, fifteen ~~five~~ dollars.

11 (2)(a) Except as provided in subdivision (b) of this subsection, the
12 commission due a sheriff on an execution or order of sale, an order of
13 attachment decree, or a sale of real or personal property shall be: For
14 each dollar not exceeding two thousand ~~four hundred~~ dollars, six cents;
15 for every dollar above two thousand ~~four hundred~~ dollars and not
16 exceeding five ~~one~~ thousand dollars, four cents; and for every dollar
17 above five ~~one~~ thousand dollars, two cents.

18 (b) In real estate foreclosure, when any party to the original
19 action purchases the property or when no money is received or disbursed
20 by the sheriff, the commission shall be computed pursuant to subdivision
21 (a) of this subsection but shall not exceed one thousand ~~two hundred~~
22 dollars.

23 (3) The sheriff shall, on the first Tuesday in January, April, July,
24 and October of each year, make a report to the county board showing (a)
25 the different items of fees collected, from whom, at what time, and for
26 what service, (b) the total amount of the fees collected by the officer
27 since the last report, and (c) the amount collected for the current year.
28 All fees collected by the sheriff, except mileage fees when the sheriff
29 or his or her employee is using a personal vehicle, shall be paid to the
30 county treasurer who shall credit the fees to the general fund of the
31 county.

1 (4) Any future adjustment made to the reimbursement rate provided in
2 subsection (1) of this section shall be deemed to apply to all provisions
3 of law which refer to this section for the computation of mileage.

4 (5) All fees collected pursuant to this section, except fees for
5 mileage accrued in a personal vehicle, by any constable who is a salaried
6 employee of the State of Nebraska shall be remitted to the clerk of the
7 county court. The clerk of the county court shall pay the same to the
8 General Fund.

9 (6) It is the intent of the Legislature to examine the fees provided
10 in this section at least once every five years beginning in 2030 in order
11 to determine whether such fees should be adjusted.

12 **Sec. 2.** Original section 33-117, Revised Statutes Cumulative
13 Supplement, 2024, is repealed.

14 **Sec. 3.** Since an emergency exists, this act takes effect when
15 passed and approved according to law.