

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 439**

Introduced by Schimek, 27; Vrtiska, 1

Read first time January 14, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to fees and costs; to amend section 33-117,  
2 Reissue Revised Statutes of Nebraska; to change fees for  
3 service of process; and to repeal the original section.  
4 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 33-117, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   33-117.   (1) The several sheriffs shall charge and  
4 collect fees at the rates specified in this section. The rates  
5 shall be as follows: (a) Serving a capias with commitment or bail  
6 bond and return, two dollars; (b) serving a search warrant, two  
7 dollars; (c) arresting under a search warrant, two dollars for each  
8 person so arrested; (d) unless otherwise specifically listed in  
9 subdivisions (f) ~~to~~ through (s) of this subsection, serving or  
10 attempting to serve a summons, subpoena, order of attachment, order  
11 of replevin, other order of the court, notice of motion, other  
12 notice, other writ or document, or any combination thereof,  
13 including any accompanying or attached documents, ~~ten~~ twenty  
14 dollars for each person served or attempted to be served, except  
15 that when more than one person is served or attempted to be served  
16 at the same time and location in the same case, the service fee  
17 shall be ~~ten~~ twenty dollars for the first person served or  
18 attempted to be served at that time and location and ~~two~~ five  
19 dollars ~~and fifty cents~~ for each other person served or attempted  
20 to be served at that time and location; (e) making a return of each  
21 summons, subpoena, order of attachment, order of replevin, other  
22 order of the court, notice of motion, other notice, or other writ  
23 or document, whether served or not, ~~five~~ ten dollars; (f) taking  
24 and filing a replevin bond or other indemnification to be furnished  
25 and approved by the sheriff, ~~one dollar~~ five dollars; (g) making a  
26 copy of any process, bond, or other paper not otherwise provided  
27 for in this section, ~~twenty-five~~ thirty-five cents per page; (h)  
28 traveling each mile actually and necessarily traveled within or

1 without their several counties in their official duties, three  
2 cents more per mile than the rate provided in section 81-1176,  
3 except that the minimum fee shall be fifty cents when the service  
4 is made within one mile of the courthouse, and, as far as is  
5 expedient, all papers in the hands of the sheriff at any one time  
6 shall be served in one or more trips by the most direct route or  
7 routes and only one mileage fee shall be charged for a single trip,  
8 the total mileage cost to be computed as a unit for each trip and  
9 the combined mileage cost of each trip to be prorated among the  
10 persons or parties liable for the payment of same; (i) levying a  
11 writ or a court order and return thereof, ~~fifteen~~ thirty dollars;  
12 (j) summoning a grand jury, not including mileage to be paid by the  
13 county, ten dollars; (k) summoning a petit jury, not including  
14 mileage to be paid by the county, twelve dollars; (l) summoning a  
15 special jury, for each person impaneled, fifty cents; (m) calling a  
16 jury for a trial of a case or cause, fifty cents; (n) executing a  
17 writ of restitution or a writ of assistance and return, ~~fifteen~~  
18 thirty dollars; (o) calling an inquest to appraise lands and  
19 tenements levied on by execution, ~~one dollar~~ five dollars; (p)  
20 calling an inquest to appraise goods and chattels taken by an order  
21 of attachment or replevin, ~~one dollar~~ five dollars; (q) advertising  
22 a sale in a newspaper in addition to the price of printing, ~~one~~  
23 dollar five dollars; (r) advertising in writing for a sale of real  
24 or personal property, ~~five~~ ten dollars; and (s) making deeds for  
25 land sold on execution or order of sale, ~~five~~ ten dollars.

26 (2)(a) Except as provided in subdivision (b) of this  
27 subsection, the commission due a sheriff on an execution or order  
28 of sale, an order of attachment decree, or a sale of real or

1 personal property shall be: For each dollar not exceeding four  
2 hundred dollars, six cents; for every dollar above four hundred  
3 dollars and not exceeding one thousand dollars, four cents; and for  
4 every dollar above one thousand dollars, two cents.

5 (b) In real estate foreclosure, when any party to the  
6 original action purchases the property or when no money is received  
7 or disbursed by the sheriff, the commission shall be computed  
8 pursuant to subdivision (a) of this subsection but shall not exceed  
9 two hundred dollars.

10 (3) The sheriff shall, on the first Tuesday in January,  
11 April, July, and October of each year, make a report to the county  
12 board showing (a) the different items of fees, except mileage,  
13 collected or earned, from whom, at what time, and for what service,  
14 (b) the total amount of the fees collected or earned by the officer  
15 since the last report, and (c) the amount collected or earned for  
16 the current year. He or she shall pay all fees earned to the  
17 county treasurer who shall credit the fees to the general fund of  
18 the county.

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

23 (5) Commencing on and after January 1, 1988, all fees  
24 earned pursuant to this section, except fees for mileage, by any  
25 constable who is a salaried employee of the State of Nebraska shall  
26 be remitted to the clerk of the county court. The clerk of the  
27 county court shall pay the same to the General Fund.

28 Sec. 2. Original section 33-117, Reissue Revised

LB 439

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1 Statutes of Nebraska, is repealed.