

LEGISLATIVE BILL 6

Approved by the Governor January 24, 1973

Introduced by Luedtke, 28

AN ACT to amend sections 24-536 and 29-611, Revised Statutes Supplement, 1972, relating to courts; to provide for the number of persons on juries in municipal court; to delete an erroneous reference; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 24-536, Revised Statutes Supplement, 1972, be amended to read as follows:

24-536. Either party to any case in county or municipal court, except criminal cases arising under city or village ordinances, may demand a trial by jury. In civil cases, the demand must be in writing and must be filed on or before answer day. All provisions of law relating to juries in the district courts shall apply to juries in the county and municipal courts and the district court jury list shall be used, except that juries in the county and municipal courts shall consist of six persons.

Sec. 2. That section 29-611, Revised Statutes Supplement, 1972, be amended to read as follows:

29-611. The defendant shall have the right of appeal from any judgment of a county or municipal court, imposing fine or imprisonment, or both, to the district court of the county, which appeal shall be taken immediately upon the rendition of such judgment, and shall stay all further proceedings upon such judgment. No appeal shall be granted or proceedings stayed unless the appellant, together with his surety or sureties, shall, within ten days after the rendition of such judgment, appear before the county court, and then and there enter into a written recognizance to the people of the State of Nebraska in a sum not less than one hundred dollars, with surety or sureties to be fixed and approved by the court, conditioned for his appearance forthwith and without further notice, at the district court of such county, and from day to day thereafter until the final disposition of such appeal, to answer the complaint against him, and to abide the judgment of the district court and not depart therefrom without leave; Provided, that the party appealing may in lieu of such undertaking

deposit with the clerk of such court a cash bond in a sum to be fixed by the court but not less than one hundred dollars; and such cash bond shall be accepted in the cause, upon the same conditions and with like effect as undertakings hereinbefore set out, such cash bond to be returned upon the fulfillment of the conditions of the bond. The court from whose judgment the appeal is taken shall forthwith make return of the proceedings had before it, and shall certify the complaint, transcript, bill of exceptions, and the warrant together with all such recognizances to the district court, and may also require the complainant and other witnesses to enter into written recognizances, with or without security, as the court deems best, to appear at the district court at the time aforesaid, and abide the order of the court; and in case of refusal to enter into such recognizances, may enforce the same by imprisonment if necessary.

Sec. 3. That original sections 24-536 and 29-611, Revised Statutes Supplement, 1972, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.