

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 192

Introduced by Pansing Brooks, 28.

Read first time January 10, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to juries; to amend sections 25-412.04,
2 25-1107.01, 25-1108, 25-1121, 25-1313, 25-1601, 25-1601.03, 25-1602,
3 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626,
4 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1631,
5 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01,
6 25-1634.02, 25-1635, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641,
7 25-2705, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, 29-2023, and
8 33-138, Reissue Revised Statutes of Nebraska; to name the Jury
9 Selection Act; to define terms; to change provisions relating to
10 juror qualifications and exemptions and excuses from jury service;
11 to change terminology relating to juries; to change provisions
12 relating to jury lists and summoning juries, jury commissioners,
13 initial and subsequent jury panels, excess jurors, special jury
14 panels in criminal cases, extra jurors, tales jurors, grand juries,
15 jurors' notes, jurors viewing property or a place material to
16 litigation, demands for jury trials, and compensation for jurors; to
17 provide duties for clerk magistrates; to change terminology relating
18 to verdicts and court proceedings; to harmonize provisions; to
19 repeal the original sections; and to outright repeal sections
20 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1630,
21 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised
22 Statutes of Nebraska.
23 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 32 of this act shall be known and may be
2 cited as the Jury Selection Act.

3 Sec. 2. Section 25-1601.03, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~25-1601.03~~ The Legislature hereby declares that it is the intent and
6 purpose of the Jury Selection Act ~~this section and sections 25-1601,~~
7 ~~25-1603, 25-1609, 25-1611, 25-1625, 25-1627, 25-1627.01, 25-1629,~~
8 ~~25-1629.01 to 25-1629.04, 25-1631.03, 25-1637, 25-1639, and 25-1640~~ to
9 create a jury system which will ensure ~~insure~~ that:

10 (1) All persons selected for jury service are selected at random
11 from a fair cross section of the population of the area served by the
12 court;

13 (2) All qualified citizens have the opportunity to be considered for
14 jury service;

15 (3) All qualified citizens fulfill their obligation to serve as
16 jurors when summoned for that purpose; and

17 (4) No citizen is excluded from jury service in this state as a
18 result of discrimination based upon race, color, religion, sex, national
19 origin, or economic status.

20 Sec. 3. For purposes of the Jury Selection Act:

21 (1) Electronic jury selection process means a process in which
22 individuals are randomly selected to serve on a grand jury or petit jury
23 through electronic means and for which the presence of a district court
24 judge or other designated official is not required;

25 (2) Grand jury means a body of people who are chosen to sit
26 permanently for at least a month and up to a year and who, in ex parte
27 proceedings, decide whether to issue indictments in criminal cases;

28 (3) Jury commissioner means the person designated in section 4 of
29 this act;

30 (4) Jury panel means the persons summoned to serve as petit or grand
31 jurors for a two-week period or such other period of a jury term as

1 determined by the judge or judges;

2 (5) Jury term means a month, calendar quarter, year, or other period
3 of time as determined by the judge or judges during which grand or petit
4 jurors are selected for service from a master list. A jury term shall not
5 extend beyond the time by which a new master list is required to be
6 prepared pursuant to section 11 of this act;

7 (6) Manual jury selection process means a process in which
8 individuals are randomly selected to serve on a grand jury or petit jury
9 by drawing names from a wheel or box while in the presence of a district
10 court judge or other official designated by the judge;

11 (7) Master list means the list of names selected using the key
12 number pursuant to section 11 of this act;

13 (8) One-step qualifying and summoning system means a process for
14 selecting and summoning petit or grand jurors in which a juror
15 qualification form and summons are sent to a potential juror at the same
16 time;

17 (9) Petit juror means a juror who may be summoned for service at a
18 jury trial;

19 (10) Revised jury pool means the list or lists of names derived by
20 eliminating nonqualified persons from the master list pursuant to section
21 12 of this act and from which petit and grand jurors are drawn;

22 (11) Tales juror means a person selected from among the bystanders
23 in court or the people of the county to serve as a juror when the
24 original jury panel has become deficient in number; and

25 (12) Two-step qualifying and summoning system means a process for
26 selecting and summoning petit or grand jurors in which a juror
27 qualification form is sent to a potential juror and, if the juror is
28 qualified and drawn for a jury panel, a summons is sent.

29 Sec. 4. Section 25-1625, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 ~~25-1625~~ (1) In each county of the State of Nebraska there shall be a

1 jury commissioner.

2 (2) In counties having a population of not more than seventy-five
3 thousand inhabitants, the clerk of the district court shall be jury
4 commissioner ex officio.

5 (3) In counties having a population of more than seventy-five
6 thousand, and not more than two hundred thousand inhabitants, the jury
7 commissioner shall be a separate office in the county government or the
8 duties may be performed, when authorized by the judges of the district
9 court within such counties, by the election commissioner. The jury
10 commissioner shall receive an annual salary of not less than one thousand
11 two twelve hundred dollars.

12 (4) In counties having a population in excess of two hundred
13 thousand inhabitants, the judges of the district court within such
14 counties shall determine whether the clerk of the district court will
15 perform the duties of jury commissioner without additional compensation
16 or the election commissioner will be jury commissioner ex officio. If the
17 jury commissioner is to receive a salary, the amount of the salary shall
18 be fixed by the district judges in an amount not to exceed three thousand
19 dollars per annum.

20 (5) In all counties the necessary expenses incurred in the
21 performance of the duties of jury commissioner shall be paid by the
22 county board of the county out of the general fund, upon proper claims
23 approved by one of the district judges in the judicial district and duly
24 filed with the county board.

25 (6) In all counties the jury commissioner shall prepare and file the
26 annual inventory statement with the county board of the county of all
27 county personal property in his or her custody or possession, as provided
28 in sections 23-346 to 23-350.

29 (7) This section shall be so interpreted as to effectuate its
30 general purpose, to provide, in the public interest, adequate
31 compensation for the jury commissioner and to permit a change in such

1 salary as soon as the change may become operative under the Constitution
2 of Nebraska.

3 Sec. 5. Section 25-1626, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~25-1626 (1) In counties of over two hundred thousand inhabitants,~~
6 ~~the salary of the jury commissioner shall be fixed by the district~~
7 ~~judges, but in no event shall exceed three thousand dollars per annum.~~
8 ~~Said salary shall be payable by warrants drawn on the general fund of the~~
9 ~~county.~~ A majority of the judges of the district court may by order
10 direct the clerk of the court to furnish such assistance to the jury
11 commissioner as the judges they may find necessary.

12 (2) The jury commissioner shall appoint a deputy jury commissioner
13 from the regular employees of his or her office who shall serve ex
14 officio and who shall hold office during the pleasure of the jury
15 commissioner. The deputy jury commissioner shall be approved by the judge
16 or judges of the district court before taking office. The deputy jury
17 commissioner, during the absence of the jury commissioner from the county
18 or during the sickness or disability of the jury commissioner, with the
19 consent of such judge or judges, may perform any or all of the duties of
20 the jury commissioner.

21 (3) If there are no regular employees of the office of jury
22 commissioner, he or she may appoint some other county officer or employee
23 thereof as deputy jury commissioner.

24 Sec. 6. Section 25-1603, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 ~~25-1603~~ In each of the county and district courts ~~counties~~ of this
27 state, ~~wherein a district court is appointed or directed to be held,~~ the
28 lists of grand and petit jurors shall be made up and jurors selected for
29 jury duty in the manner prescribed in the Jury Selection Act ~~sections~~
30 ~~25-1625 to 25-1642.~~

31 Sec. 7. Section 25-1601, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~25-1601~~ (1) All citizens of the United States residing in any of the
3 counties of this state who are over the age of nineteen years, able to
4 read, speak, and understand the English language, and free from all
5 disqualifications set forth under this section and from all other legal
6 exceptions are qualified and ~~shall be competent persons~~ to serve on all
7 grand and petit juries in their respective counties. Persons disqualified
8 to serve as either grand or petit jurors are: (a) Judges of any court,
9 (b) clerks of the Supreme or district courts, (c) sheriffs, (d) jailers,
10 (e) persons, or the spouses ~~wife or husband~~ of any such persons ~~person~~,
11 who are parties to suits pending in the ~~district court of the~~ county of
12 his, her, or their ~~then~~ residence for trial to ~~at~~ that jury panel, (f)
13 persons who have been convicted of a felony ~~criminal offense punishable~~
14 ~~by imprisonment in a Department of Correctional Services adult~~
15 ~~correctional facility,~~ when such conviction has not been set aside or a
16 pardon issued, and (g) persons who are subject to liability for the
17 commission of any offense which by special provision of law disqualifies
18 ~~does and shall disqualify~~ them. Spouses ~~Persons who are husband and wife~~
19 shall not serve ~~be summoned~~ as jurors on the same panel. Persons who are
20 incapable, by reason of physical or mental disability, of rendering
21 satisfactory jury service shall not be qualified to serve on a jury, but
22 a person claiming this disqualification shall ~~may~~ be required to submit a
23 physician's certificate as to the disability and the certifying physician
24 is subject to inquiry by the court at its discretion. A nursing mother
25 who requests to be excused shall be excused from jury service until she
26 is no longer nursing her child, but the mother shall ~~may~~ be required to
27 submit a physician's certificate in support of her request.

28 (2) The district court or any judge thereof may exercise the power
29 of excusing any grand or petit juror or any person summoned for grand or
30 petit jury service upon a showing of undue hardship, extreme
31 inconvenience, or public necessity for such period as the court deems

1 necessary. At the conclusion of such period the person shall reappear for
2 jury service in accordance with the court's direction. All excuses and
3 the grounds for such excuses shall be entered upon the record of the
4 court and shall be considered as a public record. In districts having
5 more than one judge of the district court, the court may by rule or order
6 assign or delegate to the presiding judge or any one or more judges the
7 sole authority to grant such excuses.

8 (3) No qualified potential prospective juror is exempt from jury
9 service, except that any person sixty-five years of age or older who
10 makes a shall make such request to be exempt to the court at the time the
11 juror qualification form is filed with the jury commissioner or who makes
12 such a request in writing after being qualified and summoned shall be
13 exempt from serving on grand and petit juries.

14 ~~(4) A nursing mother shall be excused from jury service until she is~~
15 ~~no longer nursing her child by making such request to the court at the~~
16 ~~time the juror qualification form is filed with the jury commissioner and~~
17 ~~including with the request a physician's certificate in support of her~~
18 ~~request. The jury commissioner shall mail the mother a notification form~~
19 ~~to be completed and returned to the jury commissioner by the mother when~~
20 ~~she is no longer nursing the child.~~

21 Sec. 8. Section 25-1602, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~25-1602~~ On the trial of any suit in which a county or any other
24 municipal corporation is a party, the inhabitants and taxpayers of such
25 county or municipal corporation shall be qualified to serve as competent
26 jurors if otherwise competent and qualified according to law.

27 Sec. 9. Section 25-1636, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 ~~25-1636~~ (1) It shall be ground for challenge for cause that any
30 potential proposed juror: (a) Does not possess the qualifications of a
31 juror as set forth in section 7 of this act or is excluded by the terms

1 of section 7 of this act; (b) has requested or solicited any officer of
2 the court or officer charged in any manner with the duty of selecting the
3 jury to place such juror upon the jury panel; or (c) otherwise lacks any
4 of the qualifications provided by law.

5 (2) It shall not be a ground for challenge for cause of challenge
6 that a potential juror has read in the newspapers an account of the
7 commission of a crime with which a defendant prisoner is charged, if such
8 juror states under ~~shall state on~~ oath that ~~it is the belief of said~~
9 ~~person that~~ he or she can render an impartial verdict according to the
10 law and the evidence; and the court ~~is shall be~~ satisfied as to the truth
11 of such statement. ~~In ; Provided, that in~~ the trial of any criminal
12 cause, the fact that a person called as a juror has formed an opinion
13 based upon rumor or newspaper statements, and as to the truth of which
14 the person said juror has formed no opinion, shall not disqualify the
15 ~~said~~ person to serve as a juror on such cause, if the person states under
16 ~~said juror shall upon oath state that it is the belief of said person~~
17 that he or she can fully and impartially render a verdict in accordance
18 with the law and the evidence, and the court ~~is shall be~~ satisfied as to
19 the truth of such statement.

20 Sec. 10. Section 25-1627, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 ~~25-1627~~ (1) ~~The jury commissioner shall in the presence of one of~~
23 ~~the judges of the district court of the county,~~ at such times as may be
24 necessary, or as he or she may be ordered to do so by the district judge,
25 shall draw, by an electronic or manual process, select a number to be
26 known as a key number. The drawing selecting of a key number shall be
27 done in a manner which will ensure insure that the number drawn selected
28 is the result of chance. The key number shall be drawn selected from
29 among the numbers one to ten. Except as otherwise provided in this
30 section, only one key number need be drawn.

31 (2) In a county with a population of less than three thousand

1 inhabitants, the jury commissioner shall draw two key numbers or such
2 larger number of key numbers as the district judge or judges may order
3 instead of only one.

4 (3) In a county with a population of three thousand inhabitants or
5 more, where experience demonstrates that the use of only one key number
6 does not produce a list of names of sufficient number to make the system
7 of practical use, the district judge or judges may, in their discretion,
8 order the selecting of two key numbers.

9 (4) The jury commissioner shall make a record of the manner in which
10 the key number or numbers were drawn was selected, the name of the judge
11 present, and the date and the hour of the drawing selection, the same to
12 be certified by the jury commissioner, and such records shall become a
13 part of the public records of the county. The jury commissioner may use
14 an electrical or mechanical system or device in carrying out his or her
15 duties pursuant to this section.

16 Sec. 11. Section 25-1628, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 ~~25-1628~~ (1) Upon request of the jury commissioner ~~At least once each~~
19 ~~calendar year,~~ the officer having charge of the election records shall
20 furnish to the jury commissioner a complete list of the names, dates of
21 birth, addresses, and motor vehicle operator license numbers or state
22 identification card numbers of all registered voters ~~electors~~ nineteen
23 years of age or older in the county. Each December, the ~~The~~ Department of
24 Motor Vehicles shall make available to each jury commissioner ~~each~~
25 ~~December~~ a list in magnetic, optical, digital, or other electronic format
26 mutually agreed to by the jury commissioner and the department containing
27 the names, dates of birth, addresses, and motor vehicle operator license
28 numbers or state identification card numbers of all licensed motor
29 vehicle operators and state identification card holders nineteen years of
30 age or older in the county. ~~The jury commissioner may request such a list~~
31 ~~of licensed motor vehicle operators and state identification card holders~~

1 ~~from the county treasurer if the county treasurer has an automated~~
2 ~~procedure for developing such lists.~~ If a jury commissioner requests
3 similar lists at other times from the department, the cost of processing
4 such lists shall be paid by the county which the requesting jury
5 commissioner serves.

6 (2) Upon receipt of both lists described in subsection (1) of this
7 section, the jury commissioner shall merge ~~combine~~ the separate lists
8 into one combined list and attempt to reduce duplication to the best of
9 his or her ability to ~~produce a master list.~~ In counties having a
10 ~~population of seven thousand inhabitants or more, the jury commissioner~~
11 ~~shall produce a master list at least once each calendar year.~~ In counties
12 ~~having a population of three thousand inhabitants but less than seven~~
13 ~~thousand inhabitants, the jury commissioner shall produce a master list~~
14 ~~at least once every two calendar years.~~ In counties having a population
15 ~~of less than three thousand inhabitants, the jury commissioner shall~~
16 ~~produce a master list at least once every five calendar years.~~

17 (3) The jury commissioner shall then create a master proposed juror
18 list shall be derived by selecting from the combined ~~master~~ list the name
19 of the person whose numerical order on such list corresponds with the key
20 number and each successive tenth name thereafter. The jury commissioner
21 shall certify that the master proposed juror list has been made in
22 accordance with the Jury Selection Act sections 25-1625 to 25-1637.

23 (4) Any duplication of names on a master list shall not be grounds
24 for quashing any panel pursuant to section 32 of this act 25-1637 or for
25 the disqualification of any juror.

26 (5) In counties having a population of seven thousand inhabitants or
27 more, the jury commissioner shall produce a master list at least once
28 each calendar year. In counties having a population of three thousand
29 inhabitants but less than seven thousand inhabitants, the jury
30 commissioner shall produce a master list at least once every two calendar
31 years. In counties having a population of less than three thousand

1 inhabitants, the jury commissioner shall produce a master list at least
2 once every five calendar years.

3 Sec. 12. Section 25-1629, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~25-1629~~ (1) After creating a master list under section 11 of this
6 act, the The jury commissioner shall draw potential jurors from the
7 master list for service on petit and grand juries for the jury term in
8 the manner and number provided in this section or as the judge or judges
9 otherwise direct immediately upon deriving the proposed juror list mail a
10 juror qualification form to each proposed juror pursuant to section
11 25-1629.01 and investigate the persons whose names are found on the list.

12 (2) The jury commissioner shall draw such number of potential jurors
13 for service on petit juries as the judge or judges direct.

14 (3)(a) Unless the judge or judges order that no grand jury be drawn,
15 the jury commissioner shall draw such number of potential jurors for
16 grand jury service:

17 (i) As the jury commissioner deems necessary to arrive at a list of
18 eighty persons who possess the qualifications of jurors set forth in
19 section 7 of this act; or

20 (ii) As the judge or judges may otherwise direct.

21 (b) If the judge or judges initially order that no grand jury be
22 drawn, such judge or judges may at any time thereafter order the drawing
23 of a grand jury.

24 (4) The jury commissioner shall investigate the potential jurors so
25 drawn pursuant to the two-step qualifying and summoning system or the
26 one-step qualifying and summoning system.

27 (5) If the jury commissioner uses the two-step qualifying and
28 summoning system, he or she shall mail to each potential juror a juror
29 qualification form pursuant to section 13 of this act.

30 (6) If the jury commissioner uses the one-step qualifying and
31 summoning system, he or she shall mail to each potential juror a juror

1 qualification form pursuant to section 13 of this act and shall serve the
2 potential juror with a summons pursuant to section 23 of this act.

3 (7) If the jury commissioner he or she finds, after reviewing the
4 completed juror qualification forms, that a potential juror does not
5 possess any one of them is not possessed of the qualifications of a juror
6 petit jurors as set forth in section 7 of this act 25-1601 or is excluded
7 by the terms of section 7 of this act 25-1601, the jury commissioner he
8 or she shall strike such potential juror's name from the master list and
9 make a record of each name stricken, which record shall be kept in the
10 jury commissioner's his or her office subject to inspection by the court
11 and attorneys of record in cases triable to a jury pending before the
12 court, under such rules as the court may prescribe. The potential jurors
13 list as thus qualified revised shall constitute the revised jury pool
14 list from which grand and petit jurors shall be selected, until such pool
15 list shall have been exhausted in the manner hereinafter set forth in the
16 Jury Selection Act or until otherwise ordered by the judge or judges.
17 Unless otherwise ordered by the judge or judges, the jury commissioner
18 shall immediately upon completing the revision of the list, in the
19 presence of a judge for such district, select at random the names of
20 eighty persons possessing the qualifications for grand jurors as set out
21 in section 25-1601. When no grand jury list is selected, the judge or
22 judges may at any time order the selecting of a grand jury list. This
23 list shall constitute the list from which grand jurors shall be chosen.
24 Any judge of the district court shall upon the request of any

25 (8) Any person entitled to access to the list of names stricken may
26 make a request to the judge of the district court, in accordance with
27 section 28 of this act, for an explanation of the reasons a name has been
28 stricken. If the judge is satisfied that such request is made in good
29 faith and in accordance with section 28 of this act, the judge shall, if
30 satisfied that such request is made in good faith, direct the jury
31 commissioner to appear before the judge at chambers and, in the presence

1 of the requesting complaining person, state his or her reasons for
2 striking such ~~the name specified in the request.~~

3 (9) If any person places a name or asks to have a name placed in the
4 revised jury pool in a manner that is not authorized under the Jury
5 Selection Act, he or she shall be guilty of a Class IV felony.

6 Sec. 13. Section 25-1629.01, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 ~~25-1629.01~~ (1) The jury commissioner shall deliver a juror
9 qualification form by first-class mail or personal service to each
10 potential every prospective juror selected to receive the form under
11 section 12 of this act. The jury commissioner shall include whose name
12 appears on the proposed juror list a juror qualification form accompanied
13 by instructions to complete fill-out and return the form by mail to the
14 jury commissioner within ten days after its receipt. The form may be
15 returned to the jury commissioner by mail or by an electronic submission
16 process.

17 (2) The juror qualification form shall be in the form prescribed by
18 the Supreme Court. Notarization of the juror qualification form shall not
19 be required. If the potential prospective juror is unable to complete
20 fill-out the form, another person may do it for the potential juror him
21 or her and shall indicate that such other person he or she has done so
22 and the reason therefor.

23 (3) If it appears that there is an omission, ambiguity, or error in
24 a returned form, the jury commissioner shall again send the form with
25 instructions to the potential prospective juror to make the necessary
26 addition, clarification, or correction and to return the form to the jury
27 commissioner within ten days after its second receipt.

28 Sec. 14. Section 25-1629.02, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 ~~25-1629.02~~ (1) Any potential prospective juror who fails to return
31 a completed juror qualification form as instructed shall be directed by

1 the jury commissioner to appear before him or her to fill out the juror
2 qualification form. At the time of the potential prospective juror's
3 appearance for jury service or at the time of any interview before the
4 court or jury commissioner, any potential prospective juror may be
5 required to fill out another juror qualification form, at which time the
6 potential prospective juror may be questioned with regard to his or her
7 responses to questions contained on the form and grounds for his or her
8 excuse or disqualification. Any information thus acquired by the court or
9 jury commissioner shall be noted on the juror qualification form.

10 (2) Any person who knowingly fails to complete and return or who
11 willfully misrepresents a material fact on a juror qualification form for
12 the purpose of avoiding or securing service as a juror shall be guilty of
13 contempt of court.

14 Sec. 15. Section 25-1641, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~25-1641~~ (1) After creating the revised jury pool under section 12
17 of this act ~~Unless the judge or judges shall order that no jury be drawn,~~
18 the jury commissioner shall select a list of petit jurors for the initial
19 jury panel of a jury term ~~in the manner directed by the judge or judges~~
20 pursuant to this section. At least ten days before the first day of any
21 jury term of the district court or ten days before the day the jury is
22 otherwise directed to report, ~~the jury commissioner three of the judges~~
23 ~~of the court if there be three, or one of the judges if there be less~~
24 ~~than three, or a judge of the county court or the sheriff or such other~~
25 ~~elective officer of the county as the judge or judges may designate shall~~
26 ~~appear at the office of the jury commissioner who, in the presence of~~
27 ~~such judge or judges or the sheriff or other officer of the county so~~
28 ~~designated by the judge or judges,~~ shall draw select by chance the names
29 of thirty persons or such number as the judge or judges may otherwise
30 direct from the revised jury pool, for each judge sitting with a jury ~~in~~
31 ~~such court,~~ as petit jurors for such initial jury panel term. The jury

1 ~~commissioner person selecting the names~~ may use a manual jury selection
2 process or an electronic jury selection process ~~an electrical or~~
3 ~~mechanical system or device~~ in carrying out his or her duties pursuant to
4 this section.

5 (2) After drawing the names pursuant to subsection (1) of this
6 section, the jury commissioner shall:

7 (a) Serve a summons pursuant to section 23 of this act on each
8 person whose name was drawn if the jury commissioner uses the two-step
9 qualifying and summoning system; or

10 (b) Notify each person whose name was drawn of the date and time to
11 report for jury service if the jury commissioner uses the one-step
12 qualifying and summoning system.

13 ~~If an electronic or mechanical system or device is used to select~~
14 ~~the petit jurors, the judge or judges or the sheriff or other elective~~
15 ~~officer so designated need not be personally present at the office of the~~
16 ~~jury commissioner during such selection. In lieu thereof, the presiding~~
17 ~~judge or his or her designated representative may direct the jury~~
18 ~~commissioner to select at random from the proposed jury list a specified~~
19 ~~number of petit jurors for such term of court or, if more than one jury~~
20 ~~panel is summoned during such term, for each such panel.~~

21 Sec. 16. Section 25-1632, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~25-1632~~ Subsequent panels of petit jurors ~~for two weeks each~~ shall
24 be called as the judge or judges may determine during the jury term. If
25 it is determined that a , and at least ten days before such subsequent
26 panel or panels are necessary, the judge or judges, as the case may be,
27 shall order proceed as aforesaid to the office of the jury commissioner,
28 and the jury commissioner to shall, in the presence of such judge or
29 judges, draw by chance in the same manner such number of names as such
30 judge or judges shall direct from the revised jury pool as petit jurors
31 for such subsequent two weeks period of that term for jury panel service.

1 The jury commissioner may use a manual jury selection process or an
2 electronic jury selection process in carrying out his or her duties
3 pursuant to this section. The persons so drawn shall be notified and
4 summoned the same as those drawn for the initial jury panel under section
5 15 of this act ~~first two weeks~~. The judge or judges may, by order, defer
6 the drawing and reporting of subsequent jury panels ~~for service after the~~
7 ~~first two weeks of the term~~ for such period of time as they may determine
8 and in such order or orders may fix the number of subsequent jury panels
9 to be drawn and the number of jurors to be drawn for each panel. During
10 the jury term the jury commissioner shall draw, notify, and summon
11 subsequent jury panels of ~~other~~ petit jurors in the manner ~~hereinbefore~~
12 provided in this section as often as the length of the jury term may
13 require and the judge or judges direct. The provisions of this section
14 shall not be mandatory in counties having a population of less than sixty
15 thousand inhabitants.

16 Sec. 17. Section 25-1631.03, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 ~~25-1631.03~~ The judge shall examine all jurors ~~so selected~~ who appear
19 for jury service. If, and if, after all excuses have been allowed, there
20 remain more than twenty-four petit jurors for each judge sitting with a
21 jury, who are qualified and not excluded by the terms of section 7 of
22 this act ~~25-1601, shall remain,~~ the court may excuse by lot such number
23 in excess of twenty-four as the court may see fit. Those jurors who have
24 been discharged in excess of twenty-four for each judge, but are
25 qualified, shall not be discharged permanently, but shall remain subject
26 to be resummoned for jury service upon the same jury panel ~~and before a~~
27 ~~new key number is selected.~~

28 Sec. 18. Section 25-1632.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 ~~25-1632.01~~ Whenever there is ~~shall be~~ pending in the criminal court
31 any case in which , ~~wherein~~ the defendant is ~~shall be~~ charged with a

1 felony, and the judge holding the court is convinced from the
2 circumstances of the case that a jury cannot be obtained from the regular
3 jury panel to try the case, the judge may, in his or her discretion,
4 prior to the day fixed for the trial of the case, direct the jury
5 commissioner to draw, in the same manner as described in section 16 of
6 this act 25-1632, such number of names as the judge or judges may direct
7 as a special jury panel from which a jury may be selected to try such
8 case, which jury panel shall be notified and summoned for such said day
9 in the same manner as the regular jury panel.

10 Sec. 19. Section 25-1634, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~25-1634~~ (1) If for any reason it appears to the judge that the jury
13 panel of petit jurors will not be adequate at the opening of the court,
14 or at any time during the jury term, the jury commissioner shall, when
15 ordered by the judge, ~~or judges of the court~~ draw, in the same manner and
16 ~~presence~~ as the ~~first~~ drawing of an initial jury panel under section 15
17 of this act, such number of jurors as the judge ~~or judges~~ shall direct to
18 fill such jury panel or as extra jurors, and those drawn shall be
19 notified and summoned in the same manner as described in section 15 of
20 this act ~~the others~~ or as the court may direct. This shall also apply to
21 the selection of tales jurors ~~talesmen~~ for particular causes after the
22 regular jury panel is exhausted.

23 (2) Each person summoned under subsection (1) of this section shall
24 forthwith appear before the court and if qualified shall serve on the
25 jury panel unless such person is excused from service or lawfully
26 challenged. If necessary, jurors shall continue to be so drawn from time
27 to time until the jury panel is filled.

28 Sec. 20. Section 25-1634.02, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 ~~25-1634.02~~ (1) When it is deemed necessary, the judge shall direct
31 the jury commissioner or the sheriff of the county or such other person

1 as may be designated by the judge to summon from the bystanders or the
2 body of the county a sufficient number of persons having the
3 qualifications of jurors, as provided in section 7 of this act 25-1601,
4 to serve as tales jurors to fill the jury panel, in order that a jury may
5 be obtained.

6 (2) The persons summoned under subsection (1) of this section who
7 are not chosen to serve on the jury shall be discharged from the jury
8 panel as soon as the judge so determines. Such persons shall not
9 thereafter be disqualified from service as jurors when regularly drawn
10 from the revised jury pool pursuant to the Jury Selection Act unless
11 excused by the judge.

12 Sec. 21. Section 25-1634.01, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 ~~25-1634.01 (1) Each person summoned, under the provisions of~~
15 ~~section 25-1634, shall forthwith appear before the court and if competent~~
16 ~~shall serve on the petit jury unless such person shall be excused from~~
17 ~~service or lawfully challenged. If necessary, jurors shall continue to be~~
18 ~~so drawn from time to time until the panel shall be filled.~~

19 ~~(2) The court may postpone service of a petit qualified juror from~~
20 ~~one jury panel to a specific future jury panel. A written form may shall~~
21 ~~be completed for each such juror, giving the juror's name and address and~~
22 ~~the reason for the postponement and bearing the signature of the district~~
23 ~~judge. Such form shall become a part of the official records of the jury~~
24 ~~commissioner. The names of jurors transferred from one jury panel to~~
25 ~~another shall be added to the names drawn for a particular jury panel as~~
26 ~~drawn under section 16 of this act 25-1632.~~

27 Sec. 22. Section 25-1633, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 ~~25-1633 (1) If a grand jury shall be required by law, or by order~~
30 ~~of the judge or judges, for any jury term of court, it shall be the duty~~
31 ~~of the jury commissioner to draw by chance the names of out of the box or~~

1 ~~wheel, containing the names of the grand jury list, in the presence of~~
2 ~~the judge or judges, forty names of persons, or such number as the judge~~
3 ~~or judges direct. Such names shall be drawn from that portion of the~~
4 ~~revised jury pool made up of the eighty persons, or such other number of~~
5 ~~persons as directed by the judge or judges, that were drawn under~~
6 ~~subsection (3) of section 12 of this act and which have been placed in~~
7 ~~the revised jury pool. The jury commissioner may use a manual jury~~
8 ~~selection process or an electronic jury selection process in carrying out~~
9 ~~his or her duties pursuant to this section.~~ The jury commissioner shall
10 then prepare a list of such names, which list shall contain the given
11 names and surnames of persons named therein, their respective places of
12 residence, and their several occupations.

13 (2) After drawing the names pursuant to subsection (1) of this
14 section, the jury commissioner shall:

15 (a) Serve a summons pursuant to section 23 of this act on each
16 person whose name was drawn if the jury commissioner uses the two-step
17 qualifying and summoning system; or

18 (b) Notify each person whose name was drawn of the date and time to
19 report for jury service if the jury commissioner uses the one-step
20 qualifying and summoning system.

21 (3) Such list of names shall then be turned over by the jury
22 commissioner to a board to consist of the jury commissioner, the
23 presiding judge of the district court, and one other person whom the
24 presiding judge shall designate. The presiding judge shall be the
25 chairperson. Such board shall select from such the list of forty names,
26 the names of sixteen persons to serve as , qualified as grand jurors
27 under this section, and the persons whose names are so selected shall be
28 the grand jurors. Such board shall also select from the list of forty
29 names, the names of three additional persons to serve as alternate
30 jurors. The alternate jurors shall sit with the grand jury and
31 participate in all investigative proceedings to the same extent as the

1 regular grand jurors. Alternate grand jurors shall be permitted to
2 question witnesses, review evidence, and participate in all discussions
3 of the grand jury which occur prior to the conclusion of presentation of
4 evidence. When the grand jury has determined that no additional evidence
5 is necessary for its investigation, the alternate grand jurors shall be
6 separated from the regular grand jurors and shall not participate in any
7 further discussions, deliberations, or voting of the grand jury unless
8 one or more of the regular grand jurors is or are excused because of
9 illness or other sufficient reason. Such alternate jurors shall fill
10 vacancies in the order of their selection.

11 Sec. 23. Section 25-1606, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 ~~25-1606~~ (1) The summons of grand and petit jurors for the courts of
14 this state shall be served by the jury commissioner, the clerk of such
15 court, or any other person authorized by the court by delivering mailing
16 a copy of such summons, containing the time, place, and the name of the
17 court which such jurors are to attend, by either registered, certified,
18 or first-class mail or personal service to the person whose name has been
19 drawn, not less than ten days before the day such juror is to appear as a
20 juror in such court, except that this shall not prevent service of
21 special summons on a tales juror ~~talesman~~ by the sheriff of the county or
22 by such other person as may be designated by the judge or judges.

23 (2) If the jury commissioner uses the two-step qualifying and
24 summoning system, a summons sent under this section shall include the
25 day, time, place, and name of the court where the juror is to report for
26 jury service.

27 (3) If the jury commissioner uses the one-step qualifying and
28 summoning system, a summons sent under this section shall include such
29 details as to the day, time, place, and name of the court where the juror
30 is to report for jury service as are known at the time the summons is
31 sent along with additional instructions regarding the manner in which the

1 juror will be notified by the court of any additional details.

2 Sec. 24. Section 25-1607, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 ~~25-1607~~ (1) Each grand juror and petit juror summoned shall appear
5 before the court on the day and at the hour specified in the summons or
6 as further directed by the , and shall not depart without leave of court.

7 (2) Any person summoned for jury service who fails to appear or to
8 complete jury service as directed shall be ordered by the court to appear
9 forthwith and show cause for such failure to comply with the summons. If
10 such person fails to show good cause for noncompliance with the summons,
11 he or she shall be guilty of contempt of court.

12 (3) No person shall be guilty of contempt of court under this
13 section for failing to respond to a summons sent by first-class mail, if
14 sent pursuant to a one-step qualifying and summoning system.

15 Sec. 25. Section 25-1639, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 ~~25-1639~~ In any five-year period no person shall be required to:

18 (1) Serve as a petit juror for more than four calendar weeks, except
19 if necessary to complete service in a particular case;

20 (2) Serve on more than one grand jury; or

21 (3) Serve as both a grand and petit juror.

22 Sec. 26. Section 25-1631, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 ~~25-1631~~ All parties to an action which is filed with a county court
25 of this state may agree that the jury may be selected up to thirty-one
26 days prior to the date of trial. The stipulation must be unanimous among
27 all parties and evidenced by a joint stipulation to the court.

28 Sec. 27. The clerk magistrate shall provide written notice of a
29 jury trial to the jury commissioner not less than thirty days prior to
30 trial. The notice shall set forth the number of petit jurors to be
31 summoned and the day and hour the petit jurors are to appear before the

1 court.

2 Sec. 28. Section 25-1635, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 ~~25-1635~~ (1) It shall be unlawful for a jury commissioner, ~~or the~~
5 ~~officer in charge of the election records,~~ or any clerk or deputy
6 thereof, or any person who may obtain access to any record showing the
7 names of persons drawn to serve as grand or petit jurors to disclose to
8 any person, except to other officers in carrying out official duties or
9 as herein provided, the name of any person so drawn or to permit any
10 person to examine such record or to make a list of such names, except
11 under order of the court. The application for such an order shall be
12 filed in the form of a motion in the office of the clerk of the district
13 court, containing the signature and residence of the applicant or his or
14 her attorney and stating all the grounds on which the request for such
15 order is based. Such order shall not be made except for good cause shown
16 in open court and it shall be spread upon the record journal of the
17 court. Any person violating any of the provisions of this section shall
18 be guilty of a Class IV felony. Notwithstanding the foregoing provisions
19 of this section, the judge or judges in any district may, in his, her, or
20 their discretion, provide by express order for the disclosure of the
21 names of persons drawn from the revised jury pool ~~key number list~~ for
22 actual service as grand or petit jurors.

23 (2) Notwithstanding subsection (1) of this section, the Supreme
24 Court or an agent of the Supreme Court acting under the direction and
25 supervision of the Chief Justice shall have access to juror qualification
26 forms for research purposes. The Supreme Court and its agent shall treat
27 such information as confidential, and nothing identifying any individual
28 shall be released.

29 Sec. 29. Section 25-1640, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 ~~25-1640~~ Any person who is summoned to serve on jury duty shall not

1 be subject to discharge from employment, loss of pay, loss of sick leave,
2 loss of vacation time, or any other form of penalty, as a result of his
3 or her absence from employment due to such jury duty, upon giving
4 reasonable notice to his or her employer of such summons. Any person who
5 is summoned to serve on jury duty shall be excused upon request from any
6 shift work for those days required to serve as a juror without loss of
7 pay. No employer shall subject an employee to discharge, loss of pay,
8 loss of sick leave, loss of vacation time, or any other form of penalty
9 on account of his or her absence from employment by reason of jury duty,
10 except that an employer may reduce the pay of an employee by an amount
11 equal to any compensation, other than expenses, paid by the court for
12 jury duty. Any person violating ~~the provisions of~~ this section shall be
13 guilty of a Class IV misdemeanor.

14 Sec. 30. Section 25-1611, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~25-1611 Any person summoned for jury service who fails to appear or~~
17 ~~to complete jury service as directed shall be ordered by the court to~~
18 ~~appear forthwith and show cause for such failure to comply with the~~
19 ~~summons. If such person fails to show good cause for noncompliance with~~
20 ~~the summons he or she shall be guilty of contempt of court.~~

21 If any jury commissioner or deputy jury commissioner, sheriff or
22 deputy sheriff, or person having charge of election records, neglects or
23 fails to perform the duties imposed by the Jury Selection Act sections
24 ~~25-1601 to 25-1639~~, the person so offending shall be ~~considered~~ guilty of
25 contempt of court.

26 Sec. 31. Section 25-1612, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 ~~25-1612~~ (1) If a sheriff or other officer corruptly or through
29 favor or ill will, summons a juror with the intent that such juror shall
30 find a verdict for or against either party, or summons ~~shall summon~~ a
31 grand juror from like motives with the intent that such grand juror shall

1 or shall not find an indictment or presentment against any particular
2 individual, the sheriff or other officer he shall be fined not exceeding
3 five hundred dollars, shall ~~and~~ forfeit his or her office, and shall be
4 forever disqualified from holding any office in this state.

5 (2) Any person who seeks ~~shall seek~~ the position of juror~~r~~, or who
6 asks ~~shall ask~~ any attorney or other officer of the court or any other
7 person or officer in any manner charged with the duty of selecting the
8 jury~~r~~ to secure or procure his or her selection as a juror ~~juryma~~n shall
9 be ~~deemed~~ guilty of a contempt of court, shall ~~and~~ be fined not exceeding
10 twenty dollars, and shall thereby be disqualified from serving as a juror
11 for that jury term.

12 (3) Any attorney or party to a suit pending for trial at that jury
13 term who requests ~~shall request~~, or solicits ~~solicit~~ the placing of any
14 person upon a jury, or in ~~upon~~ the revised jury pool ~~list~~, shall be
15 ~~deemed~~ guilty of a contempt of court and be fined not exceeding one
16 hundred dollars, and the person so sought to be put upon the jury or in
17 the revised jury pool ~~list~~, shall be disqualified to serve as a juror for
18 ~~at~~ that jury term ~~of the court~~.

19 Sec. 32. Section 25-1637, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~25-1637~~ (1) A party may move to stay the proceedings, to quash the
22 entire jury panel, or for other appropriate relief on the ground of
23 substantial failure to comply with the Jury Selection Act Chapter 25,
24 ~~article 16,~~ in selecting the grand or petit jury. Such motion shall be
25 made within seven days after the moving party discovered or by the
26 exercise of diligence could have discovered the grounds for such motion,
27 and in any event before the petit jury is sworn to try the case.

28 (2) Upon a motion filed under subsection (1) of this section
29 containing a sworn statement of facts which, if true, would constitute a
30 substantial failure to comply with the Jury Selection Act Chapter 25,
31 ~~article 16,~~ the moving party is entitled to present, in support of the

1 motion, the testimony of the jury commissioner or the clerk, any relevant
2 records and papers not public or otherwise available which were used by
3 the jury commissioner or the clerk, and any other relevant evidence. If
4 the court determines that in selecting either a grand jury or a petit
5 jury there has been a substantial failure to comply with the Jury
6 Selection Act Chapter 25, article 16, the court shall stay the
7 proceedings pending the selection of the jury in conformity with the act
8 Chapter 25, article 16, quash an entire jury panel, or grant other
9 appropriate relief.

10 (3) The procedures prescribed by this section are the exclusive
11 means by which the state, a person accused of a crime, or a party in a
12 civil case may challenge a jury on the ground that the jury was not
13 selected in conformity with the Jury Selection Act Chapter 25, article
14 16.

15 (4) The contents of any records or papers used by the jury
16 commissioner or the clerk in connection with the selection process and
17 not made public under the Jury Selection Act Chapter 25, article 16,
18 shall not be disclosed, except in connection with the preparation or
19 presentation of a motion under subsection (1) of this section, until
20 after all persons in ~~on~~ the revised jury pool ~~proposed juror list~~ have
21 been discharged. The parties in a case may inspect, reproduce, and copy
22 the records or papers at all reasonable times during the preparation and
23 pendency of a motion under subsection (1) of this section.

24 (5) Whenever the entire jury panel is quashed, the court shall make
25 an order directing the jury commissioner to draw ~~select~~ a new key number
26 in the manner provided in section 10 of this act 25-1627 and prepare a
27 new master ~~proposed juror~~ list in the manner provided in section 11 of
28 this act 25-1628. The jury commissioner shall prepare a new revised jury
29 pool ~~revise such list~~ and ~~qualify and~~ summon jurors as provided in the
30 Jury Selection Act sections 25-1629 to 25-1630.

31 Sec. 33. Section 25-412.04, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 25-412.04 The jury for any case to be tried pursuant to an agreement
3 entered into under section 25-412.03 shall be selected from the county in
4 which the case was first filed. The jury shall be selected ~~elected~~ in the
5 manner prescribed in the Jury Selection Act Chapter 25, article 16. The
6 summons shall direct attendance before the court by which the case is to
7 be tried and the return thereof shall be made to the same court.

8 Sec. 34. Section 25-1107.01, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 25-1107.01 Jurors shall be permitted, but not required, to take
11 notes. The notes may be used during the jury's deliberations and ~~but~~
12 ~~not preserved for review on appeal.~~ The notes shall be treated as
13 confidential between the juror making them and the other jurors. The
14 notes shall not be preserved in any form. The trial judge shall ensure
15 the confidentiality of the notes during the course of the trial and the
16 jury's deliberations and shall instruct the bailiff to ~~cause the notes to~~
17 ~~be destroyed~~ immediately mutilate and destroy such notes upon return of
18 the verdict.

19 Sec. 35. Section 25-1108, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 25-1108 Whenever, in the opinion of the court, it is proper for the
22 jury to have a view of property which is the subject of litigation, or of
23 the place in which any material fact occurred, it may order them to be
24 conducted in a body, under charge of the bailiff ~~an officer~~, to the
25 place, which shall be shown to them by the bailiff, an individual ~~some~~
26 ~~person~~ appointed by the court for that purpose, or both. While the jury
27 are thus absent, no person other than the bailiff or individual ~~person~~ so
28 appointed shall speak to them on any subject connected with the trial.

29 Sec. 36. Section 25-1121, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 25-1121 In every action for the recovery of money only, or specific

1 real property, the jury, in their discretion, may render a general or
2 special verdict. In all other cases the court may direct the jury to find
3 a special verdict, in writing, upon all or any of the issues and in all
4 cases may instruct them, if they render a general verdict, to find upon
5 particular questions of fact to be stated in writing, and may direct a
6 written finding thereon. The special verdict or finding must be filed
7 with the clerk and entered upon the record ~~on the journal~~.

8 Sec. 37. Section 25-1313, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 25-1313 When a trial by jury has been had, judgment must be ordered
11 ~~rendered~~ by the court and entered upon the record ~~by the clerk~~ in
12 conformity to the verdict, unless it is special, or the court orders
13 ~~order~~ the case to be reserved for future argument or consideration.

14 Sec. 38. Section 25-2705, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 25-2705 (1) Either party to any case in county court, except (a) a
17 ~~criminal case cases arising from a under city or village ordinances,~~
18 ~~traffic infraction or infractions,~~ other infraction infractions, and (b)
19 any matter arising under the Nebraska Probate Code or the Nebraska
20 Uniform Trust Code, may demand a trial by jury.

21 (2) In civil cases, the demand shall be in writing and shall be
22 filed with the court:

23 (a) By a plaintiff on the date the complaint is filed with the
24 court;

25 (b) By a defendant on or before the date the answer is filed with
26 the court;

27 (c) By a counterclaimant on the date the counterclaim is filed with
28 the court;

29 (d) By a counterclaim defendant on or before the date the reply to
30 the counterclaim is filed with the court;

31 (e) By a third-party plaintiff on the date the third-party complaint

1 is filed with the court;

2 (f) By a third-party defendant on or before the date the answer to
3 the third-party complaint is filed with the court;

4 (g) By a cross-claimant on the date the cross-claim is filed with
5 the court; and

6 (h) By a cross-claim defendant on or before the date the answer to
7 the cross-claim is filed with the court.

8 (3) ~~(2)~~ All provisions of law relating to juries in the district
9 courts shall apply to juries in the county courts, and the district court
10 master jury list shall be used, except that juries in the county courts
11 shall consist of six persons.

12 Sec. 39. Section 28-916, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 28-916 As used in sections 28-916 to 28-923, unless the context
15 otherwise requires:

16 (1) Juror means ~~shall mean~~ any person who is a member of any petit
17 jury or grand jury, impaneled by any court of this state or by any public
18 servant authorized by law to impanel a jury. The word juror also includes
19 any person who has been drawn or summoned to attend as a potential
20 ~~prospective~~ juror;

21 (2) Testimony means ~~shall mean~~ oral or written statements,
22 documents, or any other evidence that may be offered by or through a
23 witness in an official proceeding; and

24 (3) Official proceeding means ~~shall mean~~ a proceeding heard or which
25 may be heard before any legislative, judicial, administrative, or other
26 governmental agency or official authorized to take evidence under oath,
27 including any referee, hearing examiner, commissioner, notary, or other
28 person taking testimony or deposition in connection with any such
29 proceeding.

30 Sec. 40. Section 29-1201, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-1201 Any person held in jail charged with an indictable offense
2 shall be discharged if he or she is ~~be~~ not indicted at the term of court
3 at which he or she is held to answer, unless such person is ~~shall~~ have
4 ~~been~~ committed to jail on such charge after the rising and final report
5 of the ~~regular~~ grand jury for that term, in which case the court may
6 discharge such person, or require such person to enter into recognizance
7 with sufficient security for his or her appearance before such court to
8 answer such charge at the next term. However, thereof; ~~Provided,~~ such
9 person so held in jail without indictment shall not be discharged, if it
10 appears to the satisfaction of the court that the witnesses on the part
11 of the state have been enticed or kept away or are detained and prevented
12 from attending court by sickness or some inevitable accident.

13 Sec. 41. Section 29-2003, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 29-2003 When two or more persons ~~shall~~ have been charged together in
16 the same indictment or information with a crime, and one or more ~~shall~~
17 have demanded a separate trial and had the same, and when the court is
18 ~~shall be~~ satisfied by reason of the same evidence being required in the
19 further trial of parties to the same indictment or information, that the
20 petit jurors from the jury regular panel and bystanders are incompetent,
21 because of having heard the evidence, to sit in further causes in the
22 same indictment or information, then ~~it shall be lawful for the court may~~
23 ~~to require the jury commissioner clerk of the court to draw in the same~~
24 manner as described in section 16 of this act such number of names as the
25 court may direct as a separate jury panel from which a jury may be
26 selected, which panel shall be notified and summoned for the day and hour
27 as ordered by the court ~~write the names of sixty electors of the county~~
28 ~~wherein such cause is being tried, each upon a separate slip of paper,~~
29 ~~and place the same in a box, and, after the same shall have been~~
30 ~~thoroughly mixed, to draw therefrom such number as in the opinion of the~~
31 ~~court will be sufficient from which to select a jury to hear such cause.~~

1 The jurors ~~electors~~ whose names are so drawn shall be summoned ~~by the~~
2 ~~sheriff~~ to forthwith appear before the court, and, after having been
3 examined, such as are found qualified competent and ~~shall~~ have no lawful
4 excuse for not serving as jurors shall constitute a special venire from
5 which the court shall proceed to have a jury impaneled for the trial of
6 the cause. The court may repeat the exercise of this power until all the
7 parties charged in the same indictment or information ~~shall~~ have been
8 tried.

9 Sec. 42. Section 29-2011, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 29-2011 Jurors shall be permitted, but not required, to take notes.
12 The notes may be used during the jury's deliberations and ~~, but not~~
13 ~~preserved for review on appeal.~~ The notes shall be treated as
14 confidential between the juror making them and the other jurors. The
15 trial judge shall ensure the confidentiality of the notes during the
16 course of the trial and the jury's deliberations and shall instruct the
17 bailiff to cause the notes to be destroyed immediately mutilate and
18 destroy such notes upon return of the verdict.

19 Sec. 43. Section 29-2017, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2017 Whenever in the opinion of the court it is proper for the
22 jury to have a view of the place in which any material fact occurred, it
23 may order them to be conducted in a body, under charge of the bailiff
24 ~~sheriff~~, to the place which shall be shown to them by the bailiff, an
25 individual ~~some person~~ appointed by the court, or both. While the jury
26 are thus absent, no person other than the bailiff or individual appointed
27 by the court ~~sheriff having them in charge and the person appointed to~~
28 ~~show them the place~~ shall speak to them on any subject connected with the
29 trial.

30 Sec. 44. Section 29-2023, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-2023 In case a jury ~~is shall be~~ discharged on account of sickness
2 of a juror, or other accident or calamity requiring their discharge, or
3 after they have been kept so long together that there is no probability
4 of agreeing, the court shall, upon directing the discharge, order that
5 the reasons for such discharge ~~shall~~ be entered upon the record journal;
6 and such discharge ~~is shall be~~ without prejudice to the prosecution.

7 Sec. 45. Section 33-138, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 33-138 (1) Each member of a grand or petit jury in a district court
10 or county court shall receive for his or her services thirty-five ~~thirty~~
11 dollars for each day employed in the discharge of his or her duties ~~prior~~
12 ~~to January 1, 1994, and thirty-five dollars for each such day on or after~~
13 ~~such date~~ and mileage at the rate provided in section 81-1176 for each
14 mile necessarily traveled. No juror ~~is shall be~~ entitled to pay for the
15 days he or she is voluntarily absent or excused from service by order of
16 the court. No juror ~~is shall be~~ entitled to pay for nonjudicial days
17 unless actually employed in the discharge of his or her duties as a juror
18 on such days.

19 (2) In the event that any temporary release from service, other than
20 that obtained by the request of a juror, occasions ~~shall occasion~~ an
21 extra trip or trips to and from the residence of any juror or jurors the
22 court may, by special order, allow mileage for such extra trip or trips.

23 (3) Payment of jurors for service in the district and county courts
24 shall be made by the county.

25 (4) A juror may voluntarily waive payment under this section for his
26 or her service as a juror.

27 Sec. 46. Original sections 25-412.04, 25-1107.01, 25-1108, 25-1121,
28 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607,
29 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629,
30 25-1629.01, 25-1629.02, 25-1631, 25-1631.03, 25-1632, 25-1632.01,
31 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1635, 25-1636, 25-1637,

1 25-1639, 25-1640, 25-1641, 25-2705, 28-916, 29-1201, 29-2003, 29-2011,
2 29-2017, 29-2023, and 33-138, Reissue Revised Statutes of Nebraska, are
3 repealed.

4 Sec. 47. The following sections are outright repealed: Sections
5 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1630,
6 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of
7 Nebraska.