

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 646

Introduced by Chambers, 11.

Read first time January 23, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to bail; to amend sections 14-603, 23-1808,
2 24-519, 25-1023, 25-10,101, 25-2730, 27-1101, 28-311.09, 29-428,
3 29-506, 29-901.02, 29-901.03, 29-901.04, 29-901.06, 29-902.01,
4 29-903, 29-904, 29-908, 29-909, 29-1201, 29-1605, 29-1606, 29-1811,
5 33-117, 42-929, 43-255, 44-3707, and 60-1307, Reissue Revised
6 Statutes of Nebraska, and sections 25-1912, 28-311.11, 29-422,
7 29-901, 29-901.01, and 43-253, Revised Statutes Cumulative
8 Supplement, 2018; to eliminate cash bail, appearance bonds, and
9 related provisions; to change provisions relating to conditions of
10 release and pretrial release agencies; to harmonize provisions; to
11 repeal the original sections; and to outright repeal sections
12 29-901.05, 29-902, 29-905, 29-906, 29-907, 29-1105, 29-1106,
13 29-1107, 29-1108, 29-1109, 29-1110, and 60-686, Reissue Revised
14 Statutes of Nebraska.
15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-603, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-603 The chief of police shall be the principal ministerial
4 officer of the corporation. His or her jurisdiction and that of his or
5 her officers in the service of process in all criminal cases and in cases
6 for the violation of city ordinances shall be coextensive with the
7 county. ~~The chief of police or his or her officers shall take bail in all~~
8 ~~bailable cases for the appearance before the county court of persons~~
9 ~~under arrest, but such bail shall be subject to the approval of the~~
10 ~~county court.~~

11 Sec. 2. Section 23-1808, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 23-1808 If the evidence of any witness shall implicate any person as
14 the unlawful slayer of the person over whom the said inquisition shall be
15 held, the coroner shall recognize such witness, in such sum as the
16 coroner may think proper, to be and appear at the next term of the
17 district court for the said county, there to give evidence of the matter
18 in question and not depart without leave. Such recognizance shall be in
19 the same form, as nearly as practicable, and have the same effect as
20 recognizances taken in county court in cases of felony as such law
21 existed prior to the effective date of this act.

22 Sec. 3. Section 24-519, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 24-519 Clerk magistrates shall have authority to perform the
25 following duties:

26 (1) To conduct any proceeding which is based on a misdemeanor,
27 traffic infraction, violation of a city or village ordinance, or traffic
28 violation or infraction under the laws of this state, except the trial of
29 defendants who plead not guilty or for whom a not guilty plea has been
30 entered. Any penalty imposed under this subdivision shall be made
31 pursuant to a schedule established by the Supreme Court. Such schedule

1 shall not provide for imprisonment;

2 (2) To conduct any proceeding for the issuance of warrants for
3 arrest or for searches and seizures when no county or district judge is
4 available in the county;

5 (3) To hear and determine any nonfelony proceeding for preliminary
6 examination to determine probable cause or the release ~~on bail~~ of persons
7 charged with ~~bailable~~ offenses as provided in sections 29-901 to 29-910;

8 (4) To determine temporary custody of a juvenile pursuant to
9 sections 43-251, 43-253, 43-254, and 43-258. An order of a clerk
10 magistrate shall be reviewed by the county judge upon the written request
11 of any party to the action within ten days of the order. Such order may
12 be affirmed, modified, or set aside by the county judge. The clerk
13 magistrate may also appoint a guardian ad litem as provided in section
14 43-272.01;

15 (5) To hear and determine noncontested proceedings relating to
16 decedents' estates, inheritance tax matters, and guardianship or
17 conservatorship, except that matters relating to the construction of
18 wills and trusts, the determination of title to real estate, and an
19 authorization of the sale or mortgaging of real estate shall not be heard
20 by a clerk magistrate; and

21 (6) To enter orders for hearings and trials, including orders for
22 garnishment and hearings on distribution of garnished funds.

23 Sec. 4. Section 25-1023, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 25-1023 The court shall make proper orders for the preservation of
26 the property during the pendency of the suit. It may direct the sale of
27 property when, because of its perishable nature or the costs of keeping
28 it, a sale will be for the benefits of the parties. In vacation, such
29 sale may be ordered by the judge of the court. The sale shall be public,
30 after such advertisement as is prescribed for the sale of like property
31 on execution, and shall be made in such manner, and upon such terms of

1 credit, with security, as the court or judge, having regard to the
2 probable duration of the action, may direct. The proceeds, if collected
3 by the sheriff, with all the money received by him or her from
4 garnishees, shall be held and paid over by him or her under the same
5 requirement and responsibilities of himself or herself and sureties as
6 are provided in respect to money deposited in lieu of bail as such law
7 existed prior to the effective date of this act.

8 Sec. 5. Section 25-10,101, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 25-10,101 The defendant may, within twenty-four hours from the time
11 the undertaking referred to in section 25-10,100 is given by the
12 plaintiff, give notice to the sheriff that he or she excepts to the
13 sufficiency of the sureties. If he or she fails to do so, he or she must
14 be deemed to have waived all objections to them. When the defendant
15 excepts, the sureties must justify upon notice as in the case of bail on
16 arrest as such law existed prior to the effective date of this act. The
17 sheriff or other officer shall be responsible for the sufficiency of the
18 sureties, until the objection to them is waived as above provided or
19 until they justify. The property shall be delivered to the plaintiff when
20 the undertaking required by section 25-1098 has been given.

21 Sec. 6. Section 25-1912, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 25-1912 (1) The proceedings to obtain a reversal, vacation, or
24 modification of judgments and decrees rendered or final orders made by
25 the district court, including judgments and sentences upon convictions
26 for felonies and misdemeanors, shall be by filing in the office of the
27 clerk of the district court in which such judgment, decree, or final
28 order was rendered, within thirty days after the entry of such judgment,
29 decree, or final order, a notice of intention to prosecute such appeal
30 signed by the appellant or appellants or his, her, or their attorney of
31 record and, except as otherwise provided in sections 25-2301 to 25-2310

1 and 29-2306 and subsection (4) of section 48-638, by depositing with the
2 clerk of the district court the docket fee required by section 33-103.

3 (2) A notice of appeal or docket fee filed or deposited after the
4 announcement of a decision or final order but before the entry of the
5 judgment, decree, or final order shall be treated as filed or deposited
6 after the entry of the judgment, decree, or final order and on the date
7 of entry.

8 (3) The running of the time for filing a notice of appeal shall be
9 terminated as to all parties (a) by a timely motion for a new trial under
10 section 25-1144.01, (b) by a timely motion to alter or amend a judgment
11 under section 25-1329, or (c) by a timely motion to set aside the verdict
12 or judgment under section 25-1315.02, and the full time for appeal fixed
13 in subsection (1) of this section commences to run from the entry of the
14 order ruling upon the motion filed pursuant to subdivision (a), (b), or
15 (c) of this subsection. When any motion terminating the time for filing a
16 notice of appeal is timely filed by any party, a notice of appeal filed
17 before the court announces its decision upon the terminating motion shall
18 have no effect, whether filed before or after the timely filing of the
19 terminating motion. A new notice of appeal shall be filed within the
20 prescribed time after the entry of the order ruling on the motion. No
21 additional fees are required for such filing. A notice of appeal filed
22 after the court announces its decision or order on the terminating motion
23 but before the entry of the order is treated as filed on the date of and
24 after the entry of the order.

25 (4) Except as otherwise provided in subsection (3) of this section,
26 sections 25-2301 to 25-2310 and 29-2306, and subsection (4) of section
27 48-638, an appeal shall be deemed perfected and the appellate court shall
28 have jurisdiction of the cause when such notice of appeal has been filed
29 and such docket fee deposited in the office of the clerk of the district
30 court. After being perfected no appeal shall be dismissed without notice,
31 and no step other than the filing of such notice of appeal and the

1 depositing of such docket fee shall be deemed jurisdictional.

2 (5) The clerk of the district court shall forward such docket fee
3 and a certified copy of such notice of appeal to the Clerk of the Supreme
4 Court, and the Clerk of the Supreme Court shall file such appeal.

5 (6) Within thirty days after the date of filing of notice of appeal,
6 the clerk of the district court shall prepare and file with the Clerk of
7 the Supreme Court a transcript certified as a true copy of the
8 proceedings contained therein. The Supreme Court shall, by rule, specify
9 the method of ordering the transcript and the form and content of the
10 transcript. Neither the form nor substance of such transcript shall
11 affect the jurisdiction of the Court of Appeals or Supreme Court.

12 (7) Nothing in this section shall prevent any person from giving
13 supersedeas bond in the district court in the time and manner provided in
14 section 25-1916 nor affect the right of a defendant in a criminal case to
15 be released ~~admitted to bail~~ pending the review of such case in the Court
16 of Appeals or Supreme Court.

17 Sec. 7. Section 25-2730, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 25-2730 (1) In cases involving a money judgment or a judgment for
20 the possession of specified personal property, no appeal shall operate as
21 a supersedeas unless the appellant within thirty days after the entry of
22 the judgment deposits with the clerk of the county court a cash bond or
23 an undertaking with at least one good and sufficient surety approved by
24 the court. In cases involving a money judgment, the bond or undertaking
25 shall be in the amount of the judgment, costs, and estimated interest
26 pending appeal and conditioned that the appellant shall pay the judgment,
27 interest, and costs adjudged against him or her on appeal. In cases
28 involving a judgment for the possession of specified personal property,
29 the bond or undertaking shall be in an amount at least double the value
30 of the property and conditioned that the appellant shall pay all costs
31 and damages adjudged against him or her on appeal and deliver the

1 property in accordance with the judgment on appeal.

2 (2) In appeals in cases of forcible entry and detainer, no appeal
3 shall operate as a supersedeas unless the party appealing shall deposit
4 an undertaking or cash bond in accordance with section 25-21,234.

5 (3) In appeals in criminal cases, the execution of judgment and
6 sentence, other than any sentence to a period of confinement, shall be
7 suspended during the appeal. Execution of a sentence to a period of
8 confinement shall be suspended only if (a) the county court, in its
9 discretion, allows the defendant to continue at liberty under the prior
10 recognizance or on conditional release ~~bail~~ or (b) the defendant enters
11 into a written recognizance to the State of Nebraska, with surety or
12 sureties approved by the county court or with a cash bond, filed with the
13 clerk of the county court. The condition of the recognizance shall be
14 that the defendant will prosecute the appeal without delay and abide and
15 perform the judgment and sentence of the district court. Upon the filing
16 of the notice of appeal, the county court shall fix the amount of the
17 recognizance or cash bond, which shall be a reasonable amount. The cash
18 bond shall be returned upon the fulfillment of the conditions of the
19 bond.

20 (4) In appeals in cases under the Uniform Residential Landlord and
21 Tenant Act, no appeal shall operate as a supersedeas of any writ of
22 restitution unless the defendant deposits an undertaking or cash bond in
23 accordance with section 76-1447.

24 (5) In all other cases, perfection of an appeal shall not stay the
25 proceedings.

26 (6) In any case, the district court, on motion after notice and
27 hearing and upon such terms as justice shall require, may stay any order
28 or judgment appealed from, order a renewal or additional surety of an
29 undertaking, or order the amount of the undertaking or recognizance
30 increased or decreased. The action of the district court shall be
31 certified by the clerk to the clerk of the county court.

1 Sec. 8. Section 27-1101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 27-1101 (1) The Nebraska Evidence Rules apply to the following
4 courts in the State of Nebraska: Supreme Court, Court of Appeals,
5 district courts, county courts, and juvenile courts. The word judge when
6 used in the rules means ~~shall mean~~ any judge of any court to which the
7 rules apply or other officer who is authorized by statute to hold any
8 hearing to which the rules apply.

9 (2) The rules apply generally to all civil and criminal proceedings,
10 including contempt proceedings except those in which the judge may act
11 summarily.

12 (3) The rules with respect to privileges apply at all stages of all
13 actions, cases, and proceedings.

14 (4) The rules, other than those with respect to privileges, do not
15 apply in the following situations:

16 (a) Proceedings before grand juries;

17 (b) Proceedings for extradition or rendition; preliminary
18 examinations or hearings in criminal cases; sentencing, granting or
19 revoking probation, or imposing custodial sanctions; issuance of warrants
20 for arrest, criminal summonses, and search warrants; and proceedings with
21 respect to release on personal recognizance or on conditional release
22 ~~bail or otherwise~~;

23 (c) Contested cases before an administrative agency under the
24 Administrative Procedure Act unless a party to the case requests that the
25 agency be bound by the rules of evidence applicable in the district
26 court; or

27 (d) Proceedings before the Nebraska Workers' Compensation Court or
28 the Small Claims Court.

29 Sec. 9. Section 28-311.09, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-311.09 (1) Any victim who has been harassed as defined by section

1 28-311.02 may file a petition and affidavit for a harassment protection
2 order as provided in subsection (3) of this section. Upon the filing of
3 such a petition and affidavit in support thereof, the court may issue a
4 harassment protection order without bond enjoining the respondent from
5 (a) imposing any restraint upon the person or liberty of the petitioner,
6 (b) harassing, threatening, assaulting, molesting, attacking, or
7 otherwise disturbing the peace of the petitioner, or (c) telephoning,
8 contacting, or otherwise communicating with the petitioner.

9 (2) The petition for a harassment protection order shall state the
10 events and dates of acts constituting the alleged harassment.

11 (3) A petition for a harassment protection order shall be filed with
12 the clerk of the district court, and the proceeding may be heard by the
13 county court or the district court as provided in section 25-2740.

14 (4) A petition for a harassment protection order filed pursuant to
15 subsection (1) of this section may not be withdrawn except upon order of
16 the court. An order issued pursuant to subsection (1) of this section
17 shall specify that it is effective for a period of one year unless
18 otherwise dismissed or modified by the court. Any person who knowingly
19 violates an order issued pursuant to subsection (1) of this section after
20 service or notice as described in subdivision (8)(b) of this section
21 shall be guilty of a Class II misdemeanor.

22 (5)(a) Fees to cover costs associated with the filing of a petition
23 for a harassment protection order or the issuance or service of a
24 harassment protection order seeking only the relief provided by this
25 section shall not be charged, except that a court may assess such fees
26 and costs if the court finds, by clear and convincing evidence, that the
27 statements contained in the petition were false and that the harassment
28 protection order was sought in bad faith.

29 (b) A court may also assess costs associated with the filing of a
30 petition for a harassment protection order or the issuance or service of
31 a harassment protection order seeking only the relief provided by this

1 section against the respondent.

2 (6) The clerk of the district court shall make available standard
3 application and affidavit forms for a harassment protection order with
4 instructions for completion to be used by a petitioner. The clerk and his
5 or her employees shall not provide assistance in completing the forms.
6 The State Court Administrator shall adopt and promulgate the standard
7 application and affidavit forms provided for in this section as well as
8 the standard temporary and final harassment protection order forms and
9 provide a copy of such forms to all clerks of the district courts in this
10 state. These standard temporary and final harassment protection order
11 forms shall be the only such forms used in this state.

12 (7) Any order issued under subsection (1) of this section may be
13 issued ex parte without notice to the respondent if it reasonably appears
14 from the specific facts shown by affidavit of the petitioner that
15 irreparable harm, loss, or damage will result before the matter can be
16 heard on notice. If the specific facts included in the affidavit (a) do
17 not show that the petitioner will suffer irreparable harm, loss, or
18 damage or (b) show that, for any other compelling reason, an ex parte
19 order should not be issued, the court may forthwith cause notice of the
20 application to be given to the respondent stating that he or she may show
21 cause, not more than fourteen days after service, why such order should
22 not be entered. If such ex parte order is issued without notice to the
23 respondent, the court shall forthwith cause notice of the petition and
24 order and a form with which to request a show-cause hearing to be given
25 the respondent stating that, upon service on the respondent, the order
26 shall remain in effect for a period of one year unless the respondent
27 shows cause why the order should not remain in effect for a period of one
28 year. If the respondent wishes to appear and show cause why the order
29 should not remain in effect for a period of one year, he or she shall
30 affix his or her current address, telephone number, and signature to the
31 form and return it to the clerk of the district court within five days

1 after service upon him or her. Upon receipt of the request for a show-
2 cause hearing, the court shall immediately schedule a show-cause hearing
3 to be held within thirty days after the receipt of the request for a
4 show-cause hearing and shall notify the petitioner and respondent of the
5 hearing date.

6 (8)(a) Upon the issuance of any harassment protection order, the
7 clerk of the court shall forthwith provide the petitioner, without
8 charge, with two certified copies of such order. The clerk of the court
9 shall also forthwith provide the local police department or local law
10 enforcement agency and the local sheriff's office, without charge, with
11 one copy each of such order and one copy each of the sheriff's return
12 thereon. The clerk of the court shall also forthwith provide a copy of
13 the harassment protection order to the sheriff's office in the county
14 where the respondent may be personally served together with instructions
15 for service. Upon receipt of the order and instructions for service, such
16 sheriff's office shall forthwith serve the harassment protection order
17 upon the respondent and file its return thereon with the clerk of the
18 court which issued the harassment protection order within fourteen days
19 of the issuance of the harassment protection order. If any harassment
20 protection order is dismissed or modified by the court, the clerk of the
21 court shall forthwith provide the local police department or local law
22 enforcement agency and the local sheriff's office, without charge, with
23 one copy each of the order of dismissal or modification.

24 (b) If the respondent is present at a hearing convened pursuant to
25 this section and the harassment protection order is not dismissed, such
26 respondent shall be deemed to have notice by the court at such hearing
27 that the protection order will be granted and remain in effect and
28 further service of such notice described in this subsection shall not be
29 required for purposes of prosecution under this section. If the
30 respondent has been properly served with the ex parte order and fails to
31 appear at the hearing, the temporary order shall be deemed to be granted

1 and remain in effect and the service of the ex parte order will serve as
2 notice required under this section.

3 (9) A peace officer may, with or without a warrant, arrest a person
4 if (a) the officer has probable cause to believe that the person has
5 committed a violation of a harassment protection order issued pursuant to
6 this section or a violation of a valid foreign harassment protection
7 order recognized pursuant to section 28-311.10 and (b) a petitioner under
8 this section provides the peace officer with a copy of a harassment
9 protection order or the peace officer determines that such an order
10 exists after communicating with the local law enforcement agency or a
11 person protected under a valid foreign harassment protection order
12 recognized pursuant to section 28-311.10 provides the peace officer with
13 a copy of such order.

14 (10) A peace officer making an arrest pursuant to subsection (9) of
15 this section shall take such person into custody and take such person
16 before the county court or the court which issued the harassment
17 protection order within a reasonable time. At such time the court shall
18 establish the conditions of such person's release from custody, including
19 the determination of conditions of release ~~bond~~ or recognizance, as the
20 case may be. The court shall issue an order directing that such person
21 shall have no contact with the alleged victim of the harassment.

22 Sec. 10. Section 28-311.11, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 28-311.11 (1) Any victim of a sexual assault offense may file a
25 petition and affidavit for a sexual assault protection order as provided
26 in subsection (3) of this section. Upon the filing of such a petition and
27 affidavit in support thereof, the court may issue a sexual assault
28 protection order without bond enjoining the respondent from (a) imposing
29 any restraint upon the person or liberty of the petitioner, (b)
30 harassing, threatening, assaulting, molesting, attacking, or otherwise
31 disturbing the peace of the petitioner, or (c) telephoning, contacting,

1 or otherwise communicating with the petitioner.

2 (2) The petition for a sexual assault protection order shall state
3 the events and dates of acts constituting the sexual assault offense.

4 (3) A petition for a sexual assault protection order shall be filed
5 with the clerk of the district court and the proceeding may be heard by
6 the county court or the district court as provided in section 25-2740.

7 (4) A petition for a sexual assault protection order may not be
8 withdrawn except upon order of the court. A sexual assault protection
9 order shall specify that it is effective for a period of one year unless
10 renewed pursuant to subsection (11) of this section or otherwise
11 dismissed or modified by the court. Any person who knowingly violates a
12 sexual assault protection order after service or notice as described in
13 subdivision (8)(b) of this section shall be guilty of a Class I
14 misdemeanor except that for any second violation of a sexual assault
15 protection order within a twelve-month period, or any third or subsequent
16 violation, whenever committed, such person shall be guilty of a Class IV
17 felony.

18 (5)(a) Fees to cover costs associated with the filing of a petition
19 for issuance or renewal of a sexual assault protection order or the
20 issuance or service of a sexual assault protection order seeking only the
21 relief provided by this section shall not be charged, except that a court
22 may assess such fees and costs if the court finds, by clear and
23 convincing evidence, that the statements contained in the petition were
24 false and that the sexual assault protection order was sought in bad
25 faith.

26 (b) A court may also assess costs associated with the filing of a
27 petition for issuance or renewal of a sexual assault protection order or
28 the issuance or service of a sexual assault protection order seeking only
29 the relief provided by this section against the respondent.

30 (6) The clerk of the district court shall make available standard
31 application and affidavit forms for issuance and renewal of a sexual

1 assault protection order with instructions for completion to be used by a
2 petitioner. The clerk and his or her employees shall not provide
3 assistance in completing the forms. The State Court Administrator shall
4 adopt and promulgate the standard application and affidavit forms
5 provided for in this section as well as the standard temporary and final
6 sexual assault protection order forms and provide a copy of such forms to
7 all clerks of the district courts in this state. Such standard temporary
8 and final sexual assault protection order forms shall be the only forms
9 used in this state.

10 (7) A sexual assault protection order may be issued or renewed ex
11 parte without notice to the respondent if it reasonably appears from the
12 specific facts shown by affidavit of the petitioner that irreparable
13 harm, loss, or damage will result before the matter can be heard on
14 notice. If the specific facts included in the affidavit (a) do not show
15 that the petitioner will suffer irreparable harm, loss, or damage or (b)
16 show that, for any other compelling reason, an ex parte order should not
17 be issued or renewed, the court may forthwith cause notice of the
18 application to be given to the respondent stating that he or she may show
19 cause, not more than fourteen days after service, why such order should
20 not be entered. If such ex parte order is issued or renewed without
21 notice to the respondent, the court shall forthwith cause notice of the
22 petition and order and a form with which to request a show-cause hearing
23 to be given the respondent stating that, upon service on the respondent,
24 the order shall remain in effect for a period of one year unless the
25 respondent shows cause why the order should not remain in effect for a
26 period of one year. If the respondent wishes to appear and show cause why
27 the order should not remain in effect for a period of one year, he or she
28 shall affix his or her current address, telephone number, and signature
29 to the form and return it to the clerk of the district court within five
30 days after service upon him or her. Upon receipt of the request for a
31 show-cause hearing, the court shall immediately schedule a show-cause

1 hearing to be held within thirty days after the receipt of the request
2 for a show-cause hearing and shall notify the petitioner and respondent
3 of the hearing date.

4 (8)(a) Upon the issuance or renewal of any sexual assault protection
5 order, the clerk of the court shall forthwith provide the petitioner,
6 without charge, with two certified copies of such order. The clerk of the
7 court shall also forthwith provide the local police department or local
8 law enforcement agency and the local sheriff's office, without charge,
9 with one copy each of such order and one copy each of the sheriff's
10 return thereon. The clerk of the court shall also forthwith provide a
11 copy of the sexual assault protection order to the sheriff's office in
12 the county where the respondent may be personally served together with
13 instructions for service. Upon receipt of the order and instructions for
14 service, such sheriff's office shall forthwith serve the sexual assault
15 protection order upon the respondent and file its return thereon with the
16 clerk of the court which issued the sexual assault protection order
17 within fourteen days of the issuance of the initial or renewed sexual
18 assault protection order. If any sexual assault protection order is
19 dismissed or modified by the court, the clerk of the court shall
20 forthwith provide the local police department or local law enforcement
21 agency and the local sheriff's office, without charge, with one copy each
22 of the order of dismissal or modification.

23 (b) If the respondent is present at a hearing convened pursuant to
24 this section and the sexual assault protection order is not dismissed,
25 such respondent shall be deemed to have notice by the court at such
26 hearing that the protection order will be granted and remain in effect
27 and further service of such notice described in this subsection shall not
28 be required for purposes of prosecution under this section. If the
29 respondent has been properly served with the ex parte order and fails to
30 appear at the hearing, the temporary order shall be deemed to be granted
31 and remain in effect and the service of the ex parte order will serve as

1 notice required under this section.

2 (9) A peace officer shall, with or without a warrant, arrest a
3 person if (a) the officer has probable cause to believe that the person
4 has committed a violation of a sexual assault protection order issued
5 pursuant to this section or a violation of a valid foreign sexual assault
6 protection order recognized pursuant to section 28-311.12 and (b) a
7 petitioner under this section provides the peace officer with a copy of
8 such order or the peace officer determines that such an order exists
9 after communicating with the local law enforcement agency.

10 (10) A peace officer making an arrest pursuant to subsection (9) of
11 this section shall take such person into custody and take such person
12 before the county court or the court which issued the sexual assault
13 protection order within a reasonable time. At such time the court shall
14 establish the conditions of such person's release from custody, including
15 the determination of conditions of release ~~bond~~ or recognizance, as the
16 case may be. The court shall issue an order directing that such person
17 shall have no contact with the alleged victim of the sexual assault
18 offense.

19 (11) An order issued under subsection (1) of this section may be
20 renewed annually. To request renewal of the order, the petitioner shall
21 file a petition for renewal and affidavit in support thereof at least
22 forty-five days prior to the date the order is set to expire. The
23 petition for renewal shall state the reasons a renewal is sought and
24 shall be filed with the clerk of the district court, and the proceeding
25 thereon may be heard by the county court or the district court as
26 provided in section 25-2740. A petition for renewal will otherwise be
27 governed in accordance with the procedures set forth in subsections (4)
28 through (10) of this section.

29 (12) For purposes of this section, sexual assault offense means:

30 (a) Conduct amounting to sexual assault under section 28-319 or
31 28-320 or sexual assault of a child under section 28-319.01 or 28-320.01

1 or an attempt to commit any of such offenses; or

2 (b) Subjecting or attempting to subject another person to sexual
3 contact or sexual penetration without his or her consent, as such terms
4 are defined in section 28-318.

5 Sec. 11. Section 29-422, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 29-422 It is hereby declared to be the policy of the State of
8 Nebraska to issue citations in lieu of arrest or continued custody to the
9 maximum extent consistent with the effective enforcement of the law and
10 the protection of the public. In furtherance of that policy, except as
11 provided in sections 28-311.11, 42-928, and 42-929, any peace officer
12 shall be authorized to issue a citation in lieu of arrest or continued
13 custody for any offense which is a traffic infraction, any other
14 infraction, or a misdemeanor and for any violation of a city or village
15 ordinance. Such authorization shall be carried out in the manner
16 specified in sections 29-422 to 29-429 and 60-684 and 60-685 ~~to 60-686~~.

17 Sec. 12. Section 29-428, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-428 Nothing in sections 29-422 to 29-429 and 60-684 and 60-685 ~~to~~
20 ~~60-686~~ shall be construed to affect the rights, lawful procedures, or
21 responsibilities of law enforcement agencies or peace officers using the
22 citation procedure in lieu of the arrest or warrant procedure.

23 Sec. 13. Section 29-506, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 29-506 If upon the whole examination, it shall appear that no
26 offense has been committed or that there is no probable cause for holding
27 the accused to answer for the offense, he or she shall be discharged; but
28 if it shall appear that an offense has been committed and there is
29 probable cause to believe that the person charged has committed the
30 offense, the accused shall be committed to the jail of the county in
31 which the same is to be tried, there to remain until he or she is

1 discharged by due course of law; ~~except that~~ Provided, ~~if the offense be~~
2 ~~bailable~~, the accused may be released pursuant to sections 29-901 to
3 92-910 Chapter 29, article 9, such release to be conditioned on his or
4 her appearance before the district court as ordered. ~~When a defendant has~~
5 ~~executed an appearance bond and made a deposit with the court pursuant to~~
6 ~~section 29-901, and such appearance bond is continued in force for the~~
7 ~~defendant's appearance in district court, the appearance bond costs shall~~
8 ~~be retained by the examining court, and the appearance bond and the~~
9 ~~balance of the deposit shall be transmitted to the district court.~~

10 Sec. 14. Section 29-901, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 29-901 (1) Any ~~bailable~~ defendant shall be ordered released from
13 custody pending judgment on his or her personal recognizance unless the
14 judge determines in the exercise of his or her discretion that such a
15 release will not reasonably assure the appearance of the defendant as
16 required or that such a release could jeopardize the safety and
17 maintenance of evidence or the safety of victims, witnesses, or other
18 persons in the community. The court shall consider all ~~methods of bond~~
19 ~~and~~ conditions of release to avoid pretrial incarceration. In no case
20 shall payment of a cash bond be required. If the judge determines that
21 the defendant shall not be released on his or her personal recognizance,
22 the judge shall ~~consider the defendant's financial ability to pay a bond~~
23 ~~and shall~~ impose the least onerous of the following conditions that will
24 reasonably assure the defendant's appearance or that will eliminate or
25 minimize the risk of harm to others or the public at large:

26 (a) Place the defendant in the custody of a designated person or
27 organization agreeing to supervise the defendant; or

28 (b) Place restrictions on the travel, association, or place of abode
29 of the defendant during the period of such release. ~~;~~ ~~or~~

30 (c) ~~Require, at the option of any bailable defendant, either of the~~
31 ~~following:~~

1 ~~(i) The execution of an appearance bond in a specified amount and~~
2 ~~the deposit with the clerk of the court in cash of a sum not to exceed~~
3 ~~ten percent of the amount of the bond, ninety percent of such deposit to~~
4 ~~be returned to the defendant upon the performance of the appearance or~~
5 ~~appearances and ten percent to be retained by the clerk as appearance~~
6 ~~bond costs, except that when no charge is subsequently filed against the~~
7 ~~defendant or if the charge or charges which are filed are dropped before~~
8 ~~the appearance of the defendant which the bond was to assure, the entire~~
9 ~~deposit shall be returned to the defendant. If the bond is subsequently~~
10 ~~reduced by the court after the original bond has been posted, no~~
11 ~~additional appearance bond costs shall be retained by the clerk. The~~
12 ~~difference in the appearance bond costs between the original bond and the~~
13 ~~reduced bond shall be returned to the defendant. In no event shall the~~
14 ~~deposit be less than twenty five dollars. Whenever jurisdiction is~~
15 ~~transferred from a court requiring an appearance bond under this~~
16 ~~subdivision to another state court, the transferring court shall transfer~~
17 ~~the ninety percent of the deposit remaining after the appearance bond~~
18 ~~costs have been retained. No further costs shall be levied or collected~~
19 ~~by the court acquiring jurisdiction; or~~

20 ~~(ii) The execution of a bail bond with such surety or sureties as~~
21 ~~shall seem proper to the judge or, in lieu of such surety or sureties, at~~
22 ~~the option of such person, a cash deposit of such sum so fixed,~~
23 ~~conditioned for his or her appearance before the proper court, to answer~~
24 ~~the offense with which he or she may be charged and to appear at such~~
25 ~~times thereafter as may be ordered by the proper court. The cash deposit~~
26 ~~shall be returned to the defendant upon the performance of all~~
27 ~~appearances.~~

28 ~~(2) If the amount of bail is deemed insufficient by the court before~~
29 ~~which the offense is pending, the court may order an increase of such~~
30 ~~bail and the defendant shall provide the additional undertaking, written~~
31 ~~or cash, to secure his or her release. All recognizances in criminal~~

1 ~~cases shall be in writing and be continuous from term to term until final~~
2 ~~judgment of the court in such cases and shall also extend, when the court~~
3 ~~has suspended execution of sentence for a limited time, as provided in~~
4 ~~section 29-2202, or, when the court has suspended execution of sentence~~
5 ~~to enable the defendant to apply for a writ of error to the Supreme Court~~
6 ~~or Court of Appeals, as provided in section 29-2301, until the period of~~
7 ~~suspension has expired. When two or more indictments or informations are~~
8 ~~returned against the same person at the same term of court, the~~
9 ~~recognizance given may be made to include all offenses charged therein.~~
10 ~~Each surety on such recognizance shall be required to justify under oath~~
11 ~~in a sum twice the amount of such recognizance and give the description~~
12 ~~of real estate owned by him or her of a value above encumbrance equal to~~
13 ~~the amount of such justification and shall name all other cases pending~~
14 ~~in which he or she is a surety. No one shall be accepted as surety on~~
15 ~~recognizance aggregating a sum in excess of his or her equity in the real~~
16 ~~estate, but such recognizance shall not constitute a lien on the real~~
17 ~~estate described therein until judgment is entered thereon against such~~
18 ~~surety.~~

19 (2) (3) In order to assure compliance with the conditions of release
20 referred to in subsection (1) of this section, the court may order a
21 defendant to be supervised by a person, an organization, or a pretrial
22 services program approved by the county board. A court shall waive any
23 fees or costs associated with the conditions of release or supervision if
24 the court finds the defendant is unable to pay for such costs.
25 Eligibility for release or supervision by such pretrial release program
26 shall under no circumstances be conditioned upon the defendant's ability
27 to pay. While under supervision of an approved entity, and in addition to
28 the conditions of release referred to in subsection (1) of this section,
29 the court may impose the following conditions:

30 (a) Periodic telephone contact by the defendant with the
31 organization or pretrial services program;

1 (b) Periodic office visits by the defendant to the organization or
2 pretrial services program;

3 (c) Periodic visits to the defendant's home by the organization or
4 pretrial services program;

5 (d) Mental health or substance abuse treatment for the defendant,
6 including residential treatment, if the defendant consents or agrees to
7 the treatment;

8 (e) Periodic alcohol or drug testing of the defendant;

9 (f) Domestic violence counseling for the defendant, if the defendant
10 consents or agrees to the counseling;

11 (g) Electronic or global-positioning monitoring of the defendant;
12 and

13 (h) Any other supervision techniques shown by research to increase
14 court appearance and public safety rates for defendants released on bond.

15 ~~(3) (4)~~ The incriminating results of any drug or alcohol test or any
16 information learned by a representative of an organization or program
17 shall not be admissible in any proceeding, except for a proceeding
18 relating to revocation or amendment of conditions of ~~bond~~ release.

19 Sec. 15. Section 29-901.01, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 29-901.01 If the judge orders the defendant released the judge
22 shall release the defendant on his or her own recognizance or under ~~In~~
23 ~~determining~~ which condition or conditions of release which shall
24 reasonably assure appearance and deter possible threats to the safety and
25 maintenance of evidence or the safety of victims, witnesses, or other
26 persons in the community, ~~the judge shall, on the basis of available~~
27 ~~information, consider the defendant's financial ability to pay in setting~~
28 the amount of bond. The judge may also take into account the nature and
29 circumstances of the offense charged, including any information to
30 indicate that the defendant might engage in additional criminal activity
31 or pose a threat to himself or herself, yet to be collected evidence,

1 alleged victims, potential witnesses, or members of the general public,
2 the defendant's family ties, employment, the length of the defendant's
3 residence in the community, the defendant's record of criminal
4 convictions, and the defendant's record of appearances at court
5 proceedings or of flight to avoid prosecution or of failure to appear at
6 court proceedings.

7 Sec. 16. Section 29-901.02, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 29-901.02 (1) Any judge who shall authorize the release of a
10 defendant under section 29-901 shall issue a written order containing a
11 statement of the condition or conditions imposed. Such order ~~shall~~
12 inform the defendant of the penalties for violating any of the conditions
13 of such release, and shall advise the defendant that a warrant for his or
14 her arrest shall be issued immediately upon such violation.

15 (2) A defendant may sign a conditional release form prior to
16 release:

17 (a) If the release occurs in district court, at the office of the
18 clerk of the district court or at the jail; or

19 (b) If the release occurs in county court, at the office of the
20 clerk magistrate or at the jail.

21 (3) A defendant shall not be required to swear to a bond.

22 Sec. 17. Section 29-901.03, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-901.03 When a defendant first appears before a judge pursuant to
25 ~~section~~ sections 29-901 to 29-910, he or she shall be advised of his or
26 her right to obtain review of the conditions of release imposed if he or
27 she is unable to fulfill such conditions and remains in custody for more
28 than twenty-four hours thereafter. Any defendant who shall remain in
29 custody for more than twenty-four hours after a judge other than a
30 district court judge imposes ~~bail or any other~~ condition of release, as a
31 result of his or her inability to fulfill such condition or conditions,

1 may request a review by the judge who imposed the conditions and, upon
2 such request, the defendant shall be brought before the judge at the
3 first regular court day. If the defendant is indigent and unable to
4 retain legal counsel, the judge shall appoint an attorney to represent
5 the defendant for the purpose of such review. Unless the conditions of
6 release are amended and the defendant is thereupon released, the judge
7 shall set forth in writing the reasons for requiring such condition or
8 conditions. Any defendant who shall be ordered released by a judge other
9 than a district court judge on a condition which requires that he or she
10 return to custody after specified hours shall, upon application, be
11 entitled to a review by the judge who imposed the condition in the same
12 manner as a defendant who remains in full-time custody. In the event that
13 the judge who imposed the condition or conditions of release is not
14 available, any other judge in the district or of the same court may
15 review such conditions.

16 Sec. 18. Section 29-901.04, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 29-901.04 Any judge who shall order the release of a defendant on
19 any condition specified in section 29-901 may at any time amend his or
20 her order to impose additional or different conditions of release, but if
21 the imposition of different or additional conditions results in the
22 detention of the defendant as a result of his or her inability to meet
23 such conditions, the provisions of section 29-901.03 shall apply.

24 Sec. 19. Section 29-901.06, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-901.06 When a ~~bailable~~ defendant appears at any judicial
27 proceeding in which such defendant's release ~~bail~~ is being considered,
28 the judge at such proceeding shall inform the defendant of the condition
29 or conditions imposed on his or her release, the penalties for violating
30 any of the conditions of such release, and any options or alternatives
31 available to such defendant.

1 Sec. 20. Section 29-902.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-902.01 (1) The presiding judge of the county court in each county
4 having a population of four hundred thousand or more inhabitants as
5 determined by the most recent federal decennial census shall, as often as
6 is necessary, meet and designate on a schedule not less than one judge of
7 the county court to be reasonably available on call for the setting of
8 orders for discharge from actual custody upon personal recognizance or
9 conditions of release ~~bail~~, the issuance of search warrants, and for such
10 other matters as may be deemed appropriate, at all times when a court is
11 not in session in the county.

12 (2) The officer in charge of a jail, or a person such officer
13 designates, in which an arrested person is held in custody shall assist
14 the arrested person or such person's attorney in contacting the judge on
15 call as soon as possible for the purpose of obtaining release upon
16 personal recognizance or conditions of release ~~on bail~~.

17 Sec. 21. Section 29-903, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-903 ~~If In fixing the amount of bail, the judge admitting to the~~
20 ~~same shall be governed in the amount and quality of bail required by the~~
21 ~~direction of the district court in all cases where such court shall have~~
22 ~~made any order or direction in that behalf. In the event that the~~
23 ~~district court~~ designates ~~shall designate~~ an official pretrial release
24 agency for the district under section 29-909, the judge may give
25 consideration to a report and recommendation of such agency and in the
26 event that such agency should recommend the release of the prisoner on
27 his or her own recognizance, the court may order release of such prisoner
28 with or without the conditions recommended by the pretrial release agency
29 ~~without the necessity of posting a cash deposit or requiring the sureties~~
30 ~~set out in section 29-901.~~

31 Sec. 22. Section 29-904, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-904 In all cases ~~when in which~~ a judge ~~or examining court~~ shall
3 ~~releases~~ recognize a prisoner under the ~~provisions of the three sections~~
4 ~~29-901 to 29-910 , 29-902, and 29-903, the judge shall issue he shall~~
5 ~~forthwith deposit with the clerk of the proper court the recognizance so~~
6 ~~taken, and also a warrant directed to the jailer requiring him or her to~~
7 discharge the prisoner.

8 Sec. 23. Section 29-908, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 29-908 (1) ~~Any person who~~ whoever is charged with a felony and is
11 released from custody under ~~bail,~~ recognizance~~,~~ or a conditioned release
12 and willfully fails to appear before the court granting such release when
13 legally required or to surrender himself or herself within three days
14 thereafter~~,~~ shall be guilty of a Class IV felony, in addition to any
15 other penalties ~~or forfeitures~~ provided by law.

16 (2) ~~Any person who~~ whoever is charged with a misdemeanor or a violation
17 of a city or village ordinance, conviction of which would carry a jail
18 sentence of more than ninety days, who is released from custody under
19 ~~bail or~~ recognizance or conditioned release and who willfully fails to
20 appear before the court granting such release when legally required to
21 surrender himself or herself or within three days thereafter~~,~~ shall be
22 guilty of a Class II misdemeanor, in addition to any other penalties ~~or~~
23 ~~forfeitures~~ provided by law.

24 Sec. 24. Section 29-909, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-909 (1) The district courts of this state are authorized to
27 designate an official pretrial release agency for a district, or for any
28 county within a district, whenever the court is satisfied that such
29 agency can render competent and effective assistance to the court in
30 making its determination of the terms and conditions under which any
31 court should release a prisoner from jail prior to trial. Each county may

1 create a pretrial services agency or delegate to an existing county
2 department the responsibility to screen for pretrial release and
3 supervised people released by the court. Screening for eligibility and
4 conditions of release shall be done using an evidence-based risk
5 assessment tool that has been proven not to discriminate on the basis of
6 income, race, ethnicity, religion, disability, gender, sexual
7 orientation, gender identity, national origin, or citizenship status.

8 (2) When such a pretrial release agency has been designated, the
9 judge of any court within the district or county in which such agency has
10 been authorized to operate may give consideration to a report and
11 recommendation of such agency and in the event that such agency should
12 recommend the release of the prisoner on his or her own recognizance, the
13 court may order the release of the prisoner ~~without the necessity of~~
14 ~~posting a cash deposit or requiring any surety set out in section 29-901.~~

15 (3) Nothing in this section shall restrict any judge ~~court~~ from
16 releasing a prisoner on his or her own recognizance, whether or not such
17 judge he has received a report or recommendation from a pretrial release
18 agency, if the judge determines that such type of release would
19 adequately serve the ends of justice.

20 Sec. 25. Section 29-1201, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 29-1201 Any person held in jail charged with an indictable offense
23 shall be discharged if he or she be not indicted at the term of court at
24 which he or she is held to answer, unless such person shall have been
25 committed to jail on such charge after the rising and final report of the
26 regular grand jury for that term, in which case the court may release
27 ~~discharge~~ such person as provided in sections 29-901 to 29-910 ~~, or~~
28 ~~require such person to enter into recognizance with sufficient security~~
29 ~~for his appearance before such court to answer such charge at the next~~
30 ~~term thereof~~; Provided, such person so held in jail without indictment
31 shall not be discharged, if it appears to the satisfaction of the court

1 that the witnesses on the part of the state have been enticed or kept
2 away or are detained and prevented from attending court by sickness or
3 some inevitable accident.

4 Sec. 26. Section 29-1605, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 29-1605 Any person who may, according to law, be committed to jail
7 or released as provided in sections 29-901 to 29-910 ~~become recognized or~~
8 ~~held to bail with sureties for his appearance in court~~ to answer to any
9 indictment, may in like manner be committed to jail or released as
10 provided in sections 29-901 to 29-910 ~~become recognized and held to bail~~
11 ~~for his appearance~~, to answer to any information or indictment, as the
12 case may be.

13 Sec. 27. Section 29-1606, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 29-1606 It shall be the duty of the county attorney of the proper
16 county to inquire into and make full examination of all the facts and
17 circumstances connected with any case on preliminary examination, as
18 provided by law, touching the commission of any offense wherein the
19 offender shall be committed to jail or be released as provided in
20 sections 29-901 to 29-910 , ~~or become recognized or held to bail~~. If the
21 prosecuting attorney shall determine in any such case that an information
22 ought not to be filed, he or she shall make, subscribe, and file with the
23 clerk of the court a statement in writing, containing his or her reasons,
24 in fact and in law, for not filing an information in such case; and such
25 statement shall be filed at and during the term of court at which the
26 offender shall be held for his or her appearance; Provided, in such case
27 such court may examine the statement, together with the evidence filed in
28 the case, and if, upon such examination, the court shall not be satisfied
29 with the statement, the county attorney shall be directed by the court to
30 file the proper information and bring the case to trial.

31 Sec. 28. Section 29-1811, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-1811 When a motion to quash, or a plea in abatement, has been
3 adjudged in favor of the accused, he or she may be committed or released
4 as provided in sections 29-901 to 29-910 ~~held to bail in such sum~~ as the
5 court may require for his or her appearance at the first day of the next
6 term of said court.

7 Sec. 29. Section 33-117, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 33-117 (1) The several sheriffs shall charge and collect fees at the
10 rates specified in this section. The rates shall be as follows: (a)
11 Serving a capias with commitment ~~or bail bond and return~~, two dollars;
12 (b) serving a search warrant, two dollars; (c) arresting under a search
13 warrant, two dollars for each person so arrested; (d) unless otherwise
14 specifically listed in subdivisions (f) to (s) of this subsection,
15 serving a summons, subpoena, order of attachment, order of replevin,
16 other order of the court, notice of motion, other notice, other writ or
17 document, or any combination thereof, including any accompanying or
18 attached documents, twelve dollars for each person served, except that
19 when more than one person is served at the same time and location in the
20 same case, the service fee shall be twelve dollars for the first person
21 served at that time and location and three dollars for each other person
22 served at that time and location; (e) making a return of each summons,
23 subpoena, order of attachment, order of replevin, other order of the
24 court, notice of motion, other notice, or other writ or document, whether
25 served or not, six dollars; (f) taking and filing a replevin bond or
26 other indemnification to be furnished and approved by the sheriff, one
27 dollar; (g) making a copy of any process, bond, or other paper not
28 otherwise provided for in this section, twenty-five cents per page; (h)
29 traveling each mile actually and necessarily traveled within or without
30 their several counties in their official duties, three cents more per
31 mile than the rate provided in section 81-1176, except that the minimum

1 fee shall be fifty cents when the service is made within one mile of the
2 courthouse, and, as far as is expedient, all papers in the hands of the
3 sheriff at any one time shall be served in one or more trips by the most
4 direct route or routes and only one mileage fee shall be charged for a
5 single trip, the total mileage cost to be computed as a unit for each
6 trip and the combined mileage cost of each trip to be prorated among the
7 persons or parties liable for the payment of same; (i) levying a writ or
8 a court order and return thereof, eighteen dollars; (j) summoning a grand
9 jury, not including mileage to be paid by the county, ten dollars; (k)
10 summoning a petit jury, not including mileage to be paid by the county,
11 twelve dollars; (l) summoning a special jury, for each person impaneled,
12 fifty cents; (m) calling a jury for a trial of a case or cause, fifty
13 cents; (n) executing a writ of restitution or a writ of assistance and
14 return, eighteen dollars; (o) calling an inquest to appraise lands and
15 tenements levied on by execution, one dollar; (p) calling an inquest to
16 appraise goods and chattels taken by an order of attachment or replevin,
17 one dollar; (q) advertising a sale in a newspaper in addition to the
18 price of printing, one dollar; (r) advertising in writing for a sale of
19 real or personal property, five dollars; and (s) making deeds for land
20 sold on execution or order of sale, five dollars.

21 (2)(a) Except as provided in subdivision (b) of this subsection, the
22 commission due a sheriff on an execution or order of sale, an order of
23 attachment decree, or a sale of real or personal property shall be: For
24 each dollar not exceeding four hundred dollars, six cents; for every
25 dollar above four hundred dollars and not exceeding one thousand dollars,
26 four cents; and for every dollar above one thousand dollars, two cents.

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

31 (3) The sheriff shall, on the first Tuesday in January, April, July,

1 and October of each year, make a report to the county board showing (a)
2 the different items of fees, except mileage, collected or earned, from
3 whom, at what time, and for what service, (b) the total amount of the
4 fees collected or earned by the officer since the last report, and (c)
5 the amount collected or earned for the current year. He or she shall pay
6 all fees earned to the county treasurer who shall credit the fees to the
7 general fund of the county.

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

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

16 Sec. 30. Section 42-929, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 42-929 A peace officer making an arrest pursuant to section 42-928
19 shall take such person into custody and take such person before a judge
20 of the county court or the court which issued the protection order. At
21 such time the court shall establish the conditions of such person's
22 release from custody as provided in sections 29-901 to 29-910 ~~, including~~
23 ~~the determination of bond or recognizance, as the case may be.~~ The court
24 shall issue an order directing that such person shall have no contact
25 with the alleged victim of the abuse or violation.

26 Sec. 31. Section 43-253, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 43-253 (1) Upon delivery to the probation officer of a juvenile who
29 has been taken into temporary custody under section 29-401, 43-248, or
30 43-250, the probation officer shall immediately investigate the situation
31 of the juvenile and the nature and circumstances of the events

1 surrounding his or her being taken into custody. Such investigation may
2 be by informal means when appropriate.

3 (2) The probation officer's decision to release the juvenile from
4 custody or place the juvenile in detention or an alternative to detention
5 shall be based upon the results of the standardized juvenile detention
6 screening instrument described in section 43-260.01.

7 (3) No juvenile who has been taken into temporary custody under
8 subdivision (1)(c) of section 43-250 or subsection (6) of section
9 43-286.01 or pursuant to an alleged violation of an order for conditional
10 release shall be detained in any detention facility or be subject to an
11 alternative to detention infringing upon the juvenile's liberty interest
12 for longer than twenty-four hours, excluding nonjudicial days, after
13 having been taken into custody unless such juvenile has appeared
14 personally before a court of competent jurisdiction for a hearing to
15 determine if continued detention, services, or supervision is necessary.
16 The juvenile shall be represented by counsel at the hearing. Whether such
17 counsel shall be provided at the cost of the county shall be determined
18 as provided in subsection (1) of section 43-272. If continued secure
19 detention is ordered, such detention shall be in a juvenile detention
20 facility, except that a juvenile charged with a felony as an adult in
21 county or district court may be held in an adult jail as set forth in
22 subdivision (1)(c)(v) of section 43-250. A juvenile placed in an
23 alternative to detention, but not in detention, may waive this hearing
24 through counsel.

25 (4) When the probation officer deems it to be in the best interests
26 of the juvenile, the probation officer shall immediately release such
27 juvenile to the custody of his or her parent. If the juvenile has both a
28 custodial and a noncustodial parent and the probation officer deems that
29 release of the juvenile to the custodial parent is not in the best
30 interests of the juvenile, the probation officer shall, if it is deemed
31 to be in the best interests of the juvenile, attempt to contact the

1 noncustodial parent, if any, of the juvenile and to release the juvenile
2 to such noncustodial parent. If such release is not possible or not
3 deemed to be in the best interests of the juvenile, the probation officer
4 may release the juvenile to the custody of a legal guardian, a
5 responsible relative, or another responsible person.

6 (5) The court may admit such juvenile to bail ~~by bond in such amount~~
7 ~~and~~ on such conditions ~~and security~~ as the court, in its sole discretion,
8 shall determine, or the court may proceed as provided in section 43-254.
9 In no case shall the court or probation officer release such juvenile if
10 it appears that:

11 (a) Before July 1, 2019, further detention or placement of such
12 juvenile is a matter of immediate and urgent necessity for the protection
13 of such juvenile or the person or property of another or if it appears
14 that such juvenile is likely to flee the jurisdiction of the court; and

15 (b) On or after July 1, 2019, the physical safety of persons in the
16 community would be seriously threatened or that detention is necessary to
17 secure the presence of the juvenile at the next hearing, as evidenced by
18 a demonstrable record of willful failure to appear at a scheduled court
19 hearing within the last twelve months.

20 Sec. 32. Section 43-255, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-255 Whenever a juvenile is detained or placed in an alternative
23 to detention infringing upon the child's liberty interest under section
24 43-250 or 43-253, the juvenile shall be released unconditionally within
25 forty-eight hours after the detention or placement order or the setting
26 of conditions of release ~~bond~~, excluding nonjudicial days, unless within
27 such period of time (1) a motion has been filed alleging that such
28 juvenile has violated an order of the juvenile court, (2) a juvenile
29 court petition has been filed pursuant to section 43-274, or (3) a
30 criminal complaint has been filed in a court of competent jurisdiction.

31 Sec. 33. Section 44-3707, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 44-3707 Motor club service shall mean the rendering, furnishing, or
3 procuring of, or reimbursement for any of the services enumerated in this
4 section, which shall include but not be limited to:

- 5 (1) Towing service;
- 6 ~~(2) Bail and arrest bond service;~~
- 7 ~~(2) (3) Emergency road service;~~
- 8 ~~(3) (4) Claim adjustment service;~~
- 9 ~~(4) (5) Legal service;~~
- 10 ~~(5) (6) Theft service;~~
- 11 ~~(6) (7) Map service;~~
- 12 ~~(7) (8) Emergency travel expense service;~~
- 13 ~~(8) (9) Community traffic safety service;~~
- 14 ~~(9) (10) Merchandise and discount service;~~
- 15 ~~(10) (11) Travel, touring, and travel information service;~~
- 16 ~~(11) (12) Guaranteed hotel or motel rate service;~~
- 17 ~~(12) (13) New car pricing service;~~
- 18 ~~(13) (14) Financial service;~~
- 19 ~~(14) (15) Check cashing service;~~
- 20 ~~(15) (16) Personal property registration service;~~
- 21 ~~(16) (17) Buying and selling service;~~
- 22 ~~(17) (18) License service;~~
- 23 ~~(18) (19) Credit card service; and~~
- 24 ~~(19) (20) Insurance service.~~

25 Nothing contained in this section shall prohibit a club from
26 offering services which augment or are incidental to any service offered
27 by the club or any other services which are of assistance and are
28 beneficial to members and are feasible for the club to render.

29 Sec. 34. Section 60-1307, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-1307 (1) Whenever any person is arrested at one of the state

1 weighing stations or portable scales for a violation of the laws relating
2 to the trip permit provided in section 66-1418, the Motor Vehicle
3 Registration Act, or the laws relating to the size, weight, and load of
4 buses, trucks, truck-tractors, semitrailers, trailers, or towed vehicles,
5 the arresting officer shall take the name and address of such person and
6 the license number of his or her motor vehicle and issue a summons or
7 otherwise notify him or her in writing to appear at a time and place to
8 be specified in such summons or notice, such time to be at least five
9 days after such arrest unless the person arrested demands an earlier
10 hearing. Such person shall, if he or she desires, have a right to an
11 immediate hearing or a hearing within twenty-four hours at a convenient
12 hour. The hearing shall be before a magistrate within the county in which
13 the offense was committed. Such officer shall, upon such person giving a
14 written promise to appear at such time and place, release him or her from
15 custody. Such person arrested and released shall not be permitted to
16 operate the motor vehicle concerned until it is in compliance with the
17 Motor Vehicle Registration Act and section 60-6,301. Any person refusing
18 to give such written promise to appear shall be immediately taken by the
19 arresting officer before the nearest or most accessible magistrate. Any
20 person who willfully violates a written promise to appear given in
21 accordance with this section shall be guilty of a Class III misdemeanor
22 regardless of the disposition of the charge upon which he or she was
23 originally arrested.

24 (2) Subsection (1) of this section shall not apply to any person not
25 a resident of the State of Nebraska. The arresting officer shall take
26 such person forthwith before the nearest or most accessible magistrate.

27 (3)(a) The arresting officer shall seize and detain the motor
28 vehicle concerned until the motor vehicle is in compliance with section
29 60-6,294 or in conformity with the exceptions permitted by section
30 60-6,301, and unless all the violations pending before the magistrate
31 relating to section 60-6,294 have been the subject of a conviction,

1 acquittal, or dismissal and all related fines and costs have been paid,
2 the arresting officer may detain the motor vehicle concerned when the
3 officer has reasonable grounds to believe that (i) the accused will
4 refuse to respond to the citation, (ii) the accused has no ties to the
5 jurisdiction reasonably sufficient to assure his or her appearance in
6 court, or (iii) the accused has previously failed to appear in response
7 to a citation.

8 (b) If a motor vehicle detained pursuant to this section is
9 transporting livestock, procedures and precautions shall be taken if
10 necessary to ensure the health and welfare of such livestock while the
11 motor vehicle is detained.

12 (c) A motor vehicle detained pursuant to this subsection shall be
13 released upon execution of a bond with such surety or sureties as the
14 court deems proper or, in lieu of such surety or sureties and at the
15 option of the accused, a cash deposit, conditioned upon his or her
16 appearance before the proper court to answer the offense for which he or
17 she may be charged and to appear at such times thereafter as the court so
18 orders. Such bond ~~shall be in an amount as set forth in the schedule~~
19 ~~adopted pursuant to section 29-901.05~~ and shall be administered, subject
20 to review and forfeiture, in the same manner as bail bonds as such law
21 existed prior to the effective date of this act, except that for
22 violations of section 60-6,294, such bond or cash deposit shall be in an
23 amount not less than the sum of costs together with the appropriate fine
24 prescribed in section 60-6,296.

25 (d) In addition to the operator, any owner or lessee of the motor
26 vehicle may execute the bond or make the cash deposit required by this
27 section. Upon execution of the bond or cash deposit, the arresting or
28 custodial officer shall release the motor vehicle and cargo to the person
29 who executed the bond or deposited the cash or to the designee of such
30 person.

31 (e) Towing and storage charges, if any, shall be paid by the person

1 to whom the motor vehicle is released prior to the release of the motor
2 vehicle. Such charges shall be assessed as costs in any action for the
3 forfeiture of the recognizance.

4 (4) Nothing in this section shall (a) prevent the owner or the
5 owner's representative of such motor vehicle or the cargo on the motor
6 vehicle from taking possession of the cargo and transferring it to
7 another vehicle or taking possession of the cargo and the trailer, if the
8 trailer can be separated from the power unit, or (b) create any liability
9 for the state arising out of damage to such motor vehicle and its cargo.

10 Sec. 35. Original sections 14-603, 23-1808, 24-519, 25-1023,
11 25-10,101, 25-2730, 27-1101, 28-311.09, 29-428, 29-506, 29-901.02,
12 29-901.03, 29-901.04, 29-901.06, 29-902.01, 29-903, 29-904, 29-908,
13 29-909, 29-1201, 29-1605, 29-1606, 29-1811, 33-117, 42-929, 43-255,
14 44-3707, and 60-1307, Reissue Revised Statutes of Nebraska, and sections
15 25-1912, 28-311.11, 29-422, 29-901, 29-901.01, and 43-253, Revised
16 Statutes Cumulative Supplement, 2018, are repealed.

17 Sec. 36. The following sections are outright repealed: Sections
18 29-901.05, 29-902, 29-905, 29-906, 29-907, 29-1105, 29-1106, 29-1107,
19 29-1108, 29-1109, 29-1110, and 60-686, Reissue Revised Statutes of
20 Nebraska.