

LEGISLATIVE BILL 662

Approved by the Governor March 19, 1982

Introduced by Chambers, 11

AN ACT to amend section 33-117, Revised Statutes Supplement, 1981, relating to fees; to change provisions relating to fees allowed sheriffs as prescribed; and to repeal the original section.

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

Section 1. That section 33-117, Revised Statutes Supplement, 1981, be amended to read as follows:

33-117. (1) The several sheriffs shall charge and collect fees as follows: Serving capias with commitment or bail bond and return, two dollars; serving search warrant, two dollars; arresting under search warrant, two dollars for each person so arrested; serving summons, subpoena in equity, order of attachment, order of replevin, writ of injunction, scire facias, citation, or other writ or mesne process and return thereof, one dollar for the first defendant and fifty cents for each of the other defendants in the same case; copy of summons, subpoena in equity, or order of attachment, fifty cents; serving subpoena for witness, each person served, fifty cents; taking and filing replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; making a copy of any process, bond, or paper other than herein provided for, fifty cents; traveling expenses for each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112, except that the minimum fee shall be fifty cents when such service is made within two miles of the courthouse; and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; levying writ of execution and return thereof, two dollars; levying writ of possession without the aid of the county, two dollars; levying writ of possession with the aid of the county, four dollars; summoning the grand jury, not including mileage to be paid by the county, ten dollars; summoning petit jury, not including mileage to be paid by the county, twelve dollars; summoning special jury for each person

impaneled, fifty cents; calling jury for trial of a case or cause, fifty cents; serving notice of motion, other notice, or order of court, one dollar; executing writ of restitution and return, two dollars; calling inquest to appraise lands and tenements levied on by execution, one dollar; calling inquest to appraise goods and chattels taken by order of attachment or replevin, one dollar; advertisement of sale in newspaper in addition to the price of printing, one dollar; advertising in writing for sale of real or personal property, two dollars; executing writ of partition, four dollars; making deeds for land sold on execution or order of sale, two dollars; committing prisoner to prison, one dollar; commission on all money received and disbursed by him or her on execution or order of sale, order of attachment decree, or on sale of real or personal property shall be for each dollar, not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; for every dollar above one thousand dollars, two cents; Provided, in all cases where no money is received or disbursed by him or her no percentage shall be allowed; for guarding prisoners when it is actually necessary, four dollars per day, to be paid by the county; where there are prisoners confined in the county jail, ten dollars shall be allowed the sheriff as jailer until January 1, 1983; except as provided in sections 47-118 to 47-121, for boarding prisoners, other than state prisoners, three dollars and fifty cents per day, in all counties where there is an average of less than fifty prisoners per day, computed on the basis of all kinds of prisoners, whether city, county, state, federal, or any other class, confined in the jail, and ninety cents per day where there is an average of more than fifty such prisoners per day; and provided further, the fees for committing, guarding, confining, and the boarding of prisoners, other than state prisoners, in counties having a population of more than two hundred thousand inhabitants shall, until January 1, 1983, be governed by section 33-117.01 and after January 1, 1983, by section 47-121.

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

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

Sec. 2. That original section 33-117, Revised Statutes Supplement, 1981, is repealed.