

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 847

Introduced by Pansing Brooks, 28.

Read first time January 08, 2016

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, 25-1606,
3 25-1607, 25-1611, 25-1612, 25-1627, 25-1627.01, 25-1629, 25-1629.01,
4 25-1629.04, 25-1630, 25-1631.03, 25-1632, 25-1632.01, 25-1633,
5 25-1633.01, 25-1634.01, 25-1635, 25-1636, 25-1637, 25-1641, 25-1642,
6 25-1643, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 29-2023,
7 Reissue Revised Statutes of Nebraska, and sections 25-1628, 25-2705,
8 and 33-138, Revised Statutes Cumulative Supplement, 2014; to name
9 the Jury Selection Act; to change provisions relating to jurors'
10 notes and jurors viewing property or a place subject to litigation;
11 to change terminology relating to juries; to define terms; to change
12 provisions relating to juror qualifications and summoning jurors; to
13 change and eliminate powers and duties of a jury commissioner; to
14 change provisions relating to jury lists; to provide duties for
15 clerk magistrates; to change provisions relating to juror
16 compensation; to eliminate provisions relating to summary jury
17 trials and submissions to a grand jury; to harmonize provisions; to
18 repeal the original sections; and to outright repeal sections
19 25-1154, 25-1155, 25-1156, 25-1157, and 72-247, Reissue Revised
20 Statutes of Nebraska.
21 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-412.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

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

9 Sec. 2. Section 25-1107.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

20 Sec. 3. Section 25-1108, Reissue Revised Statutes of Nebraska, is
21 amended to read:

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

30 Sec. 4. Section 25-1121, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 25-1121 In every action for the recovery of money only, or specific
2 real property, the jury, in their discretion, may render a general or
3 special verdict. In all other cases the court may direct the jury to find
4 a special verdict, in writing, upon all or any of the issues and in all
5 cases may instruct them, if they render a general verdict, to find upon
6 particular questions of fact to be stated in writing, and may direct a
7 written finding thereon. The special verdict or finding must be filed
8 with the clerk and entered upon the record ~~on the journal~~.

9 Sec. 5. Section 25-1313, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

15 Sec. 6. For purposes of the Jury Selection Act:

16 (1) Electronic jury selection process means the transmission of
17 information completed through an electronic system for the selection of a
18 jury by chance and does not require the presence of a district court
19 judge or other designated official selected by the court;

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

23 (3) Grand jury prospective list means the list of names of persons
24 on the master list who have not been qualified and may be summoned by
25 section 25-1629.04;

26 (4) Grand jury revised jury list means the list of qualified jurors
27 remaining after the jury commissioner has stricken from the master list
28 those persons disqualified by section 25-1601;

29 (5) Jury commissioner means the person designated in section
30 25-1625.

31 (6) Jury panel list means the list of persons summoned to serve as

1 jurors for a specific jury term;

2 (7) Jury term means a determinate time from which jurors are
3 selected from the prospective jury list or the revised jury list for
4 service on a monthly, quarterly, annual, or other time period as
5 determined and ordered by the judges of the district court. The jury term
6 shall comply with the requirements provided in section 25-1628;

7 (8) Manual jury selection process means a process in which a chance
8 is drawn from a wheel or box in the presence of a district court judge or
9 other designated official selected by the court;

10 (9) Master list means the complete list of names compiled from
11 merging the names of all registered voters and all licensed motor vehicle
12 operators or state identification card holders nineteen years of age or
13 older in the county which shall then be reduced by the key number
14 selection made in accordance with sections 25-1627 and 25-1628;

15 (10) Petit juror means a juror who may be summoned for a jury trial;

16 (11) Prospective jury list means a list of names of persons on the
17 master list who have not been qualified and may be summoned by section
18 25-1629.04;

19 (12) Revised jury list means the list of names of persons from the
20 master list who have been qualified by section 25-1601 and may be
21 summoned by section 25-1629; and

22 (13) Talesman means a person selected from among the bystanders in
23 court to serve as a juror when the original jury panel has become
24 deficient in number.

25 Sec. 7. Section 25-1601, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 25-1601 (1) Sections 25-1601 to 25-1643 and sections 6 and 32 of
28 this act shall be known and may be cited as the Jury Selection Act.

29 (2 ~~1~~) All citizens of the United States residing in any of the
30 counties of this state who are over the age of nineteen years, able to
31 read, speak, and understand the English language, and free from all

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

24 (3 2) The district court or any judge thereof may exercise the power
25 of excusing any grand or petit juror or any person summoned for grand or
26 petit jury service upon a showing of undue hardship, extreme
27 inconvenience, or public necessity for such period as the court deems
28 necessary. At the conclusion of such period the person shall reappear for
29 jury service in accordance with the court's direction. All excuses and
30 the grounds for such excuses shall be entered upon the record of the
31 court and shall be considered as a public record. In districts having

1 more than one judge of the district court, the court may by rule or order
2 assign or delegate to the presiding judge or any one or more judges the
3 sole authority to grant such excuses.

4 ~~(4 3) No qualified prospective juror is exempt from jury service.
5 Any person seventy , except that any person sixty-five years of age or
6 older may make a who shall make such request to be exempt to the court at
7 the time the juror qualification form is filed with the jury commissioner
8 or upon written request after being qualified and summoned shall be
9 exempt from serving on grand and petit juries.~~

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

17 Sec. 8. Section 25-1601.03, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 25-1601.03 The Legislature hereby declares that it is the intent and
20 purpose of the Jury Selection Act ~~this section and sections 25-1601,
21 25-1603, 25-1609, 25-1611, 25-1625, 25-1627, 25-1627.01, 25-1629,
22 25-1629.01 to 25-1629.04, 25-1631.03, 25-1637, 25-1639, and 25-1640 to
23 create a jury system which will insure that:~~

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

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

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

31 (4) No citizen is excluded from jury service in this state as a

1 result of discrimination based upon race, color, religion, sex, national
2 origin, or economic status.

3 Sec. 9. Section 25-1606, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 25-1606 The summons of grand and petit jurors for the courts of this
6 state shall be served by the jury commissioner, the clerk, or any other
7 person authorized by the court ~~of such court~~ by delivering ~~mailing~~ a copy
8 of such summons, containing the day, the time, the place, and the name of
9 the court which such jurors are to attend, by ~~either registered,~~
10 ~~certified, or first-class mail~~ or personal service to the person whose
11 name has been drawn, not less than ten days before the day such juror is
12 to appear as a juror in such court, except that this shall not prevent
13 service of special summons on a talesman by the sheriff of the county or
14 by such other person as may be designated by the judge or judges.

15 Sec. 10. Section 25-1607, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 25-1607 Each grand juror and petit juror summoned shall appear
18 before the court on the day and at the hour specified in the summons or
19 as further directed by the , ~~and shall not depart without leave of court.~~

20 Sec. 11. Section 25-1611, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 25-1611 Any person summoned for jury service who fails to appear or
23 to complete jury service as directed shall be ordered by the court to
24 appear forthwith and show cause for such failure to comply with the
25 summons. If such person fails to show good cause for noncompliance with
26 the summons he or she shall be guilty of contempt of court.

27 If any jury commissioner or deputy jury commissioner, sheriff or
28 deputy sheriff, or person having charge of election records, neglects or
29 fails to perform the duties imposed by the Jury Selection Act ~~sections~~
30 ~~25-1601 to 25-1639~~, the person so offending shall be considered guilty of
31 contempt of court.

1 Sec. 12. Section 25-1612, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1612 If a sheriff or other officer corruptly or through favor or
4 ill will, summons a juror with the intent that such juror shall find a
5 verdict for or against either party, or shall summon a grand juror from
6 like motives with the intent that such grand juror shall or shall not
7 find an indictment or presentment against any particular individual, he
8 or she shall be fined not exceeding five hundred dollars, and forfeit his
9 or her office and be forever disqualified from holding any office in this
10 state. Any person who shall seek the position of juror, or who shall ask
11 any attorney or other officer of the court or any other person or officer
12 in any manner charged with the duty of selecting the jury, to secure or
13 procure his or her selection as a member of a jury juryman shall be
14 deemed guilty of a contempt of court, ~~and~~ be fined not exceeding twenty
15 dollars, ~~and shall thereby~~ be disqualified from serving as a juror for
16 that term. Any attorney or party to a suit pending for trial at that term
17 who shall request, ~~or solicit~~ the placing of any person upon a jury, ~~or~~
18 upon the jury panel list, shall be deemed guilty of a contempt of court
19 and be fined not exceeding one hundred dollars, and the person so sought
20 to be put upon the jury or jury panel list, shall be disqualified to
21 serve as a juror at that term of the court.

22 Sec. 13. Section 25-1627, Reissue Revised Statutes of Nebraska, is
23 amended to read:

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

1 the key number was drawn selected, ~~the name of the judge present,~~ and the
2 date and the hour of the selection, the same to be certified by the jury
3 commissioner, and such records shall become a part of the public records
4 of the county. ~~The jury commissioner may use an electrical or mechanical~~
5 ~~system or device in carrying out his or her duties pursuant to this~~
6 ~~section.~~

7 Sec. 14. Section 25-1627.01, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 25-1627.01 In counties having a population of less than three
10 thousand inhabitants, the jury commissioner shall draw ~~select~~ two key
11 numbers or such larger number of key numbers as the district judge or
12 judges may order instead of only one, and all the provisions of sections
13 25-1627 and 25-1628 shall apply to the drawing ~~selecting~~, recording, and
14 use of such numbers in making up the key number list. In other counties
15 having a population of three thousand inhabitants or more, where
16 experience demonstrates that the use of only one key number does not
17 produce a list of names of sufficient number to make the system of
18 practical use, the district judge or judges of such counties may, in
19 their discretion, order the selecting of two key numbers as ~~herein~~
20 provided for in this section.

21 Sec. 15. Section 25-1628, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

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

1 of birth, addresses, and motor vehicle operator license numbers or state
2 identification card numbers of all licensed motor vehicle operators and
3 state identification card holders nineteen years of age or older in the
4 county. ~~The jury commissioner may request such a list of licensed motor~~
5 ~~vehicle operators and state identification card holders from the county~~
6 ~~treasurer if the county treasurer has an automated procedure for~~
7 ~~developing such lists.~~ If a jury commissioner requests similar lists at
8 other times from the department, the cost of processing such lists shall
9 be paid by the county which the requesting jury commissioner serves.

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

21 (3) Upon receipt of both lists described in subsection (1) of this
22 section, the jury commissioner shall combine the separate lists and
23 attempt to reduce duplication to the best of his or her ability. The
24 master ~~proposed juror~~ list shall be derived by selecting from the
25 combined lists ~~master list~~ the name of the person whose numerical order
26 on such list corresponds with the key number and each successive tenth
27 name thereafter. The jury commissioner shall certify that the proposed
28 master ~~juror~~ list has been made in accordance with sections 25-1625 to
29 25-1637.

30 (4) Any duplication of names on a master list shall not be grounds
31 for quashing any panel pursuant to section 25-1637 or for the

1 disqualification of any juror.

2 Sec. 16. Section 25-1629, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 25-1629 The jury commissioner shall immediately upon deriving the
5 ~~master proposed juror~~ list mail a juror qualification form to each
6 ~~proposed~~ juror pursuant to section 25-1629.01 and investigate the persons
7 whose names are found on the list. If he or she finds that any one of
8 them ~~does is~~ not ~~possess possessed~~ of the qualifications of ~~a juror~~ petit
9 ~~jurors~~ as set forth in section 25-1601 or is excluded by the terms of
10 section 25-1601, he or she shall strike such name from the list and make
11 a record of each name stricken under such rules as the court may
12 prescribe, which record shall be kept in his or her office subject to
13 inspection by the court and attorneys of record in cases triable to a
14 jury pending before the court. The request for inspection shall be in
15 conformance with section 25-1635 , ~~under such rules as the court may~~
16 ~~prescribe~~. The list as thus revised shall constitute the list from which
17 petit jurors shall be drawn ~~selected~~, until such list shall have been
18 exhausted in the manner hereinafter set forth or until otherwise ordered
19 by the judge or judges. Unless otherwise ordered by the judge or judges,
20 the jury commissioner shall immediately upon completing the revision of
21 the list draw , ~~in the presence of a judge for such district~~, ~~select~~ at
22 random the names of eighty persons or the number ordered by the court
23 possessing the qualifications for grand jurors as set out in section
24 25-1601. A jury commissioner who summons jurors by the one-step
25 qualifying and summoning system as prescribed in section 25-1629.03 shall
26 draw the names of eighty persons or the number ordered by the court
27 possessing the qualifications for grand jurors. When no grand jury list
28 is selected, the judge or judges may at any time order the drawing
29 ~~selecting~~ of a grand jury list. This list shall constitute the list from
30 which grand jurors shall be chosen. Any judge of the district court shall
31 upon the request of any person entitled to access to the list of names

1 stricken in accordance with section 25-1635, if satisfied that such
2 request is made in good faith, direct the jury commissioner to appear
3 before the judge at chambers and in the presence of the complaining
4 person state his or her reasons for striking the name specified in the
5 request.

6 Sec. 17. Section 25-1629.01, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 25-1629.01 The jury commissioner shall mail to every ~~prospective~~
9 juror whose name appears on the master proposed juror list a juror
10 qualification form accompanied by instructions to complete fill-out and
11 return the form by mail or submit the form by an electronic process to
12 the jury commissioner within ten days after its receipt. The juror
13 qualification form shall be in the form prescribed by the Supreme Court.
14 Notarization of the juror qualification form shall not be required. If
15 the ~~prospective~~ juror is unable to complete fill-out the form, another
16 person may do it for him or her and shall indicate that he or she has
17 done so and the reason therefor. If it appears that there is an omission,
18 ambiguity, or error in a returned form, the jury commissioner shall again
19 send the form with instructions to the ~~prospective~~ juror to make the
20 necessary addition, clarification, or correction and to return the form
21 to the jury commissioner within ten days after its second receipt.

22 Sec. 18. Section 25-1629.04, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 25-1629.04 For each jury term of the court in which the jury
25 commissioner engages in the one-step qualifying and summoning system
26 pursuant to section 25-1629.03, the jury commissioner shall, in
27 accordance with section 25-1641, draw such number of names from the
28 prospective jury list as the judge or judges of the county direct. The
29 jury commissioner shall, by first-class mail or personal service by a
30 jury commissioner, the clerk, or any other person authorized by the
31 court, serve the prospective juror so drawn with a summons directing him

1 or her to appear before the court on a day and at a time and place
2 certain for jury service, along with a juror qualification form. The
3 prospective juror shall complete and return the form by mail or submit
4 the form by an electronic process to the jury commissioner within ten
5 days after its receipt. If the prospective juror is unable to complete
6 the form, another person may do it for him or her and shall indicate that
7 he or she has done so and the reason therefor. If it appears that there
8 is an omission, ambiguity, or error in a returned form, the jury
9 commissioner shall again deliver the form with instructions to the
10 prospective juror to make the necessary addition, clarification, or
11 correction and to return the form to the jury commissioner within ten
12 days after its second receipt. Thereafter such juror ~~After a proposed~~
13 ~~jury list has been selected, the jury commissioner may require that each~~
14 ~~person listed on the proposed jury list be served with a summons, issued~~
15 ~~by the jury commissioner, to appear before the court at a time and place~~
16 ~~certain for jury duty. The jury qualification questionnaire may be sent~~
17 ~~together with the summons in a single mailing to a prospective juror. The~~
18 ~~summons may be served upon each juror by first-class, certified, or~~
19 ~~registered mail, or by personal service by a jury commissioner, the~~
20 ~~clerk, or other person authorized by the court. After the initial~~
21 ~~appearance of the juror, he or she shall appear for jury service in any~~
22 ~~court of the county as directed by the judge of any court during the term~~
23 ~~of jury service of the juror.~~

24 No person shall be guilty of contempt of court pursuant to section
25 25-1611 for failing to respond to a summons sent by first-class mail.

26 Sec. 19. Section 25-1630, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 25-1630 The jury commissioner shall, immediately after making such
29 ~~revised~~ list of petit jurors as provided in section 25-1629, prepare a
30 ticket for each name on ~~, write the name of each person remaining upon~~
31 the list for the manual jury selection process or prepare a list of petit

1 ~~jurors if selected by an electronic jury selection process upon a~~
2 ~~separate ticket, and place all the tickets thus remaining in the box or~~
3 ~~wheel to be kept for that purpose.~~ The jury commissioner shall,
4 immediately after making such list of grand jurors, prepare a ticket for
5 ~~write the name and address of each person upon the list for the manual~~
6 jury selection process or prepare a list of petit jurors if selected by
7 an electronic jury selection process upon a separate ticket, and place
8 ~~all the tickets in a separate box or wheel to be kept for that purpose~~
9 until the next list of grand ~~petit~~ jurors is selected when those names
10 remaining in the grand jury box shall have been destroyed and a new list
11 of eighty names selected. If any person shall place or cause to be placed
12 or ask to have placed on the revised list ~~in such box or wheel,~~ any name
13 of any person, except as provided in sections 25-1625 to 25-1637, he or
14 she shall be guilty of a Class IV felony.

15 Sec. 20. Section 25-1631.03, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 25-1631.03 The judge shall examine all jurors so selected who appear
18 and if, after all excuses have been allowed, more than twenty-four petit
19 jurors for each judge sitting with a jury, who are qualified and not
20 excluded by the terms of section 25-1601, ~~shall~~ remain, the court may
21 excuse by lot such number in excess of twenty-four as the court may see
22 fit. Those jurors who have been discharged in excess of twenty-four for
23 each judge, but are qualified, shall not be discharged permanently, but
24 shall appear for jury service as directed by the judge of any court
25 during the term of jury service remain subject to be resummoned for jury
26 service upon the same panel and before a new key number is selected.

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

29 25-1632 Subsequent panels of petit jurors ~~for two weeks each~~ shall
30 be called as the judge or judges may determine during the jury term, and
31 at least ten days before such subsequent panel, the judge or judges, as

1 the case may be, shall ~~order proceed as aforesaid to the office of the~~
2 ~~jury commissioner to , and the jury commissioner shall, in the presence~~
3 ~~of such judge or judges, draw in the same manner~~ such number of names as
4 such judge or judges shall direct as petit jurors for ~~such subsequent two~~
5 ~~weeks period of~~ that term for jury service. The persons so drawn shall be
6 notified and summoned the same as provided for in section 25-1641 ~~those~~
7 ~~drawn for the first two weeks.~~ The judge or judges may, by order, defer
8 the drawing and reporting of jury panels for service ~~after the first two~~
9 ~~weeks of the term~~ for such period of time as they may determine and in
10 such order or orders may fix the number of panels to be drawn and the
11 number of jurors to be drawn for each panel. During the term the jury
12 commissioner shall draw, notify, and summon other petit jurors in the
13 manner hereinbefore provided as often as the length of the term may
14 require and the judge or judges direct. The provisions of this section
15 shall not be mandatory in counties having a population of less than sixty
16 thousand inhabitants.

17 Sec. 22. Section 25-1632.01, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 25-1632.01 Whenever there shall be pending in the criminal court any
20 case, wherein the defendant shall be charged with a felony, and the judge
21 holding the court is convinced from the circumstances of the case that a
22 jury cannot be obtained from the jury regular ~~panel~~ to try the case, the
23 judge may, in his or her discretion, prior to the day fixed for the trial
24 of the case, direct the jury commissioner to draw, in the same manner as
25 described in section 25-1632, such number of names as the judge or judges
26 may direct as a special panel from which a jury may be selected to try
27 such case, which panel shall be notified and summoned for the said ~~day~~
28 the same as the regular panel.

29 Sec. 23. Section 25-1633, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 25-1633 If a grand jury shall be required by law, or by order of the

1 judge or judges, for any term of court, it shall be the duty of the jury
2 commissioner to randomly draw by chance ~~out of the box or wheel,~~
3 ~~containing the names of the grand jury list, in the presence of the judge~~
4 ~~or judges,~~ forty names of persons for the grand jury list. The jury
5 commissioner shall then prepare a list of such names, which list shall
6 contain the given names and surnames of persons named therein, their
7 respective places of residence, and their several occupations. Such list
8 shall then be turned over by the jury commissioner to a board to consist
9 of the jury commissioner, the presiding judge of the district court, and
10 one other person whom the presiding judge shall designate. The presiding
11 judge shall be the chairperson. Such board shall select from the list of
12 forty names, the names of sixteen persons, qualified as grand jurors
13 under this section, and the persons whose names are so selected shall be
14 the grand jurors. Such board shall also select from the list of forty
15 names, the names of three additional persons to serve as alternate
16 jurors. The alternate jurors shall sit with the grand jury and
17 participate in all investigative proceedings to the same extent as the
18 regular grand jurors. Alternate grand jurors shall be permitted to
19 question witnesses, review evidence, and participate in all discussions
20 of the grand jury which occur prior to the conclusion of presentation of
21 evidence. When the grand jury has determined that no additional evidence
22 is necessary for its investigation, the alternate grand jurors shall be
23 separated from the regular grand jurors and shall not participate in any
24 further discussions, deliberations, or voting of the grand jury unless
25 one or more of the regular grand jurors is or are excused because of
26 illness or other sufficient reason. Such alternate jurors shall fill
27 vacancies in the order of their selection.

28 Sec. 24. Section 25-1633.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 25-1633.01 The jury commissioner shall immediately summon the
31 persons selected under the provisions of section 25-1633, in the manner

1 provided by law, for the summoning of petit jurors, to appear before the
2 ~~said court at or before the hour of 11 a.m.~~ on the day and at the hour
3 such judge or judges may direct, to serve as grand jurors for the said
4 term.

5 Sec. 25. Section 25-1634.01, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 25-1634.01 (1) Each person summoned, under the provisions of section
8 25-1634, shall forthwith appear before the court and if competent shall
9 serve on the ~~petit jury~~ panel unless such person shall be excused from
10 service or lawfully challenged. If necessary, jurors shall continue to be
11 so drawn from time to time until the panel shall be filled.

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

20 Sec. 26. Section 25-1635, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 25-1635 (1) It shall be unlawful for a jury commissioner ~~or the~~
23 ~~officer in charge of the election records,~~ or any clerk or deputy
24 thereof, or any person who may obtain access to any record showing the
25 names of persons drawn to serve as grand or petit jurors to disclose to
26 any person, except to other officers in carrying out official duties or
27 as herein provided, the name of any person on the jury panel list so
28 drawn or to permit any person to examine such record or to make a list of
29 such names, except under order of the court. The application for such an
30 order shall be filed in the form of a motion in the office of the clerk
31 of the district court, containing the signature and residence of the

1 applicant or his or her attorney and stating all the grounds on which the
2 request for such order is based. Such order shall not be made except for
3 good cause shown in open court and it shall be spread upon the record
4 ~~journal~~ of the court. Any person violating any of the provisions of this
5 section shall be guilty of a Class IV felony. Notwithstanding the
6 foregoing provisions of this section, the judge or judges in any district
7 may, in his, her, or their discretion, provide by express order for the
8 disclosure of the names of persons drawn from the jury panel ~~revised key~~
9 ~~number~~ list for actual service as grand or petit jurors.

10 (2) Notwithstanding subsection (1) of this section, the Supreme
11 Court or an agent of the Supreme Court acting under the direction and
12 supervision of the Chief Justice shall have access to juror qualification
13 forms for research purposes. The Supreme Court and its agent shall treat
14 such information as confidential, and nothing identifying any individual
15 shall be released.

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

18 25-1636 It shall be ground for challenge for cause that any petit
19 ~~proposed~~ juror lacks any of the qualifications provided by law. It shall
20 not be a cause of challenge that a juror has read in the newspapers an
21 account of the commission of a crime with which a prisoner is charged, if
22 such juror shall state on oath that it is the belief of the said person
23 that he or she can render an impartial verdict according to the law and
24 the evidence; and the court shall be satisfied as to the truth of such
25 statement. ~~In ; Provided, that in~~ the trial of any criminal cause the
26 fact that a person called as a juror has formed an opinion based upon
27 rumor or newspaper statements, and as to the truth of which the said
28 juror has formed no opinion, shall not disqualify the said person to
29 serve as a juror on such cause, if the said juror shall upon oath state
30 that it is the belief of the said person that he or she can fully and
31 impartially render a verdict in accordance with the law and the evidence,

1 and the court shall be satisfied as to the truth of such statement.

2 Sec. 28. Section 25-1637, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 25-1637 (1) A party may move to stay the proceedings, to quash the
5 entire jury panel, or for other appropriate relief on the ground of
6 substantial failure to comply with the Jury Selection Act Chapter 25,
7 article 16, in selecting the grand or petit jury. Such motion shall be
8 made within seven days after the moving party discovered or by the
9 exercise of diligence could have discovered the grounds for such motion,
10 and in any event before the petit jury is sworn to try the case.

11 (2) Upon a motion filed under subsection (1) of this section
12 containing a sworn statement of facts which, if true, would constitute a
13 substantial failure to comply with the Jury Selection Act Chapter 25,
14 article 16, the moving party is entitled to present, in support of the
15 motion, the testimony of the jury commissioner or the clerk, any relevant
16 records and papers not public or otherwise available which were used by
17 the jury commissioner or the clerk, and any other relevant evidence. If
18 the court determines that in selecting either a grand jury or a petit
19 jury there has been a substantial failure to comply with the Jury
20 Selection Act Chapter 25, article 16, the court shall stay the
21 proceedings pending the selection of the jury in conformity with the Jury
22 Selection Act Chapter 25, article 16, quash an entire jury panel, or
23 grant other appropriate relief.

24 (3) The procedures prescribed by this section are the exclusive
25 means by which the state, a person accused of a crime, or a party in a
26 civil case may challenge a jury on the ground that the jury was not
27 selected in conformity with the Jury Selection Act Chapter 25, article
28 16.

29 (4) The contents of any records or papers used by the jury
30 commissioner or the clerk in connection with the selection process and
31 not made public under the Jury Selection Act Chapter 25, article 16,

1 shall not be disclosed, except in connection with the preparation or
2 presentation of a motion under subsection (1) of this section, until
3 after all persons on the jury panel ~~revised proposed juror~~ list have been
4 discharged. The parties in a case may inspect, reproduce, and copy the
5 records or papers at all reasonable times during the preparation and
6 pendency of a motion under subsection (1) of this section.

7 (5) Whenever the entire jury panel is quashed the court shall make
8 an order directing the jury commissioner to draw ~~select~~ a new key number
9 in the manner provided in section 25-1627 and prepare a new master
10 ~~proposed juror~~ list in the manner provided in section 25-1628. The jury
11 commissioner shall revise such list and ~~qualify~~ and summon jurors as
12 provided in sections 25-1629 to 25-1630.

13 Sec. 29. Section 25-1641, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 25-1641 Unless the judge or judges shall order that no jury be
16 drawn, the jury commissioner shall select a list of petit jurors in the
17 manner directed by the judge or judges pursuant to this section. At least
18 ten days before the first day of any jury term of the district court or
19 ten days before the day the jury is otherwise directed to report, the
20 jury commissioner ~~three of the judges of the court if there be three, or~~
21 ~~one of the judges if there be less than three, or a judge of the county~~
22 ~~court or the sheriff or such other elective officer of the county as the~~
23 ~~judge or judges may designate shall appear at the office of the jury~~
24 ~~commissioner who, in the presence of such judge or judges or the sheriff~~
25 ~~or other officer of the county so designated by the judge or judges,~~
26 shall draw ~~select~~ by chance the names of thirty persons or such number as
27 the judge or judges may otherwise direct, for each judge sitting with a
28 jury in such court, as petit jurors for such term. ~~The person selecting~~
29 ~~the names may use an electrical or mechanical system or device in~~
30 ~~carrying out his or her duties pursuant to this section.~~

31 The ~~If an electronic or mechanical system or device is used to~~

1 ~~select the petit jurors, the judge or judges or the sheriff or other~~
2 ~~elective officer so designated need not be personally present at the~~
3 ~~office of the jury commissioner during such selection. In lieu thereof,~~
4 the presiding judge or his or her designated representative may direct
5 the jury commissioner to draw ~~select~~ at random from the master ~~proposed~~
6 jury list a specified number of petit jurors for such term of court or,
7 if more than one jury panel is summoned during such term, for each such
8 panel.

9 Sec. 30. Section 25-1642, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 25-1642 Notwithstanding that an order has been entered that no jury
12 be called for a term, a judge of the district court may thereafter by
13 special order direct that a jury be drawn as provided in section 25-1641
14 and called to report on the day and at the hour ~~at a specified time~~ set
15 out in the order.

16 Sec. 31. Section 25-1643, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 25-1643 The jury commissioner shall immediately after the selection,
19 referred to in sections 25-1641 and 25-1642, serve a summons to the petit
20 jurors pursuant to section 25-1606 ~~mail a juror qualification form to~~
21 ~~each proposed juror pursuant to section 25-1629.01.~~

22 Sec. 32. The clerk magistrate shall provide written notice of a
23 jury trial to the jury commissioner not less than thirty days prior to
24 trial. The notice shall set forth the day and hour for and number of
25 petit jurors to be summoned under section 25-1629.04.

26 Sec. 33. Section 25-2705, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 25-2705 (1) Either party to any case in county court, except
29 ~~criminal cases arising under city or village ordinances,~~ traffic
30 infractions, other infractions, and any matter arising under the Nebraska
31 Probate Code or the Nebraska Uniform Trust Code, may demand a trial by

1 jury. In civil cases, the demand shall be in writing and shall be filed
2 with the court:

3 (a) By a plaintiff on the date the complaint is filed with the
4 court;

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

7 (c) By a counterclaimant on the date the counterclaim is filed with
8 the court;

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

11 (e) By a third-party plaintiff on the date the third-party complaint
12 is filed with the court;

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

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

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

19 (2) All provisions of law relating to juries in the district courts
20 shall apply to juries in the county courts, and the district court master
21 jury list shall be used, except that juries in the county courts shall
22 consist of six persons.

23 Sec. 34. Section 28-916, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-916 As used in sections 28-916 to 28-923, unless the context
26 otherwise requires:

27 (1) Juror shall mean any person who is a member of any petit jury or
28 grand jury, impaneled by any court of this state or by any public servant
29 authorized by law to impanel a jury. The word juror also includes any
30 person who has been drawn or summoned to attend as a prospective juror;

31 (2) Testimony shall mean oral or written statements, documents, or

1 any other evidence that may be offered by or through a witness in an
2 official proceeding; and

3 (3) Official proceeding shall mean a proceeding heard or which may
4 be heard before any legislative, judicial, administrative, or other
5 governmental agency or official authorized to take evidence under oath,
6 including any referee, hearing examiner, commissioner, notary, or other
7 person taking testimony or deposition in connection with any such
8 proceeding.

9 Sec. 35. Section 29-1201, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

23 Sec. 36. Section 29-2003, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 29-2003 When two or more persons shall have been charged together in
26 the same indictment or information with a crime, and one or more shall
27 have demanded a separate trial and had the same, and when the court shall
28 be satisfied by reason of the same evidence being required in the further
29 trial of parties to the same indictment or information, that the grand
30 jury list and jury ~~regular~~ panel list and bystanders are incompetent,
31 because of having heard the evidence, to sit in further causes in the

1 same indictment or information, then it shall be lawful for the court to
2 require the jury commissioner ~~clerk of the court~~ to draw in the same
3 manner as described in section 25-1632 such number of names as the judge
4 or judges may direct as a separate jury panel from which a jury may be
5 selected, which panel shall be notified and summoned for the day and hour
6 as ordered by the court ~~write the names of sixty electors of the county~~
7 ~~wherein such cause is being tried, each upon a separate slip of paper,~~
8 ~~and place the same in a box, and, after the same shall have been~~
9 ~~thoroughly mixed, to draw therefrom such number as in the opinion of the~~
10 ~~court will be sufficient from which to select a jury to hear such cause.~~
11 The petit jurors ~~electors~~ whose names are so drawn shall be summoned by
12 ~~the sheriff~~ to forthwith appear before the court, and, after having been
13 examined, such as are found competent and shall have no lawful excuse for
14 not serving as jurors shall constitute a special venire from which the
15 court shall proceed to have a jury impaneled for the trial of the cause.
16 The court may repeat the exercise of this power until all the parties
17 charged in the same indictment or information shall have been tried.

18 Sec. 37. Section 29-2011, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 29-2011 Jurors shall be permitted, but not required, to take notes.
21 The notes may be used during the jury's deliberations and ~~, but not~~
22 ~~preserved for review on appeal.~~ The notes shall be treated as
23 confidential between the juror making them and the other jurors. The
24 notes shall not be preserved in any form. The trial judge shall ensure
25 the confidentiality of the notes during the course of the trial and the
26 jury's deliberations and shall instruct the bailiff to ~~cause the notes to~~
27 ~~be destroyed~~ immediately mutilate and destroy such notes upon return of
28 the verdict.

29 Sec. 38. Section 29-2017, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-2017 Whenever in the opinion of the court it is proper for the

1 jury to have a view of the place in which any material fact occurred, it
2 may order them to be conducted in a body, under charge of the bailiff
3 ~~sheriff~~, to the place which shall be shown to them by the bailiff, an
4 individual ~~some person~~ appointed by the court, or both. While the jury
5 are thus absent, no person other than the bailiff or individual appointed
6 by the court ~~sheriff having them in charge and the person appointed to~~
7 ~~show them the place~~ shall speak to them on any subject connected with the
8 trial.

9 Sec. 39. Section 29-2023, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 29-2023 In case a jury shall be discharged on account of sickness of
12 a juror, or other accident or calamity requiring their discharge, or
13 after they have been kept so long together that there is no probability
14 of agreeing, the court shall, upon directing the discharge, order that
15 the reasons for such discharge shall be entered upon the record journal;
16 and such discharge shall be without prejudice to the prosecution.

17 Sec. 40. Section 33-138, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 33-138 (1) Each member of a grand or petit jury in a district court
20 or county court shall receive for his or her services ~~thirty dollars for~~
21 ~~each day employed in the discharge of his or her duties prior to January~~
22 ~~1, 1994,~~ and thirty-five dollars for each such day on or after such date
23 and mileage at the rate provided in section 81-1176 for each mile
24 necessarily traveled. No juror shall be entitled to pay for the days he
25 or she is voluntarily absent or excused from service by order of the
26 court. No juror shall be entitled to pay for nonjudicial days unless
27 actually employed in the discharge of his or her duties as a juror on
28 such days.

29 (2) In the event that any temporary release from service, other than
30 that obtained by the request of a juror, shall occasion an extra trip or
31 trips to and from the residence of any juror or jurors the court may, by

1 special order, allow mileage for such extra trip or trips.

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

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

6 Sec. 41. Original sections 25-412.04, 25-1107.01, 25-1108, 25-1121,
7 25-1313, 25-1601, 25-1601.03, 25-1606, 25-1607, 25-1611, 25-1612,
8 25-1627, 25-1627.01, 25-1629, 25-1629.01, 25-1629.04, 25-1630,
9 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1633.01, 25-1634.01,
10 25-1635, 25-1636, 25-1637, 25-1641, 25-1642, 25-1643, 28-916, 29-1201,
11 29-2003, 29-2011, 29-2017, and 29-2023, Reissue Revised Statutes of
12 Nebraska, and sections 25-1628, 25-2705, and 33-138, Revised Statutes
13 Cumulative Supplement, 2014, are repealed.

14 Sec. 42. The following sections are outright repealed: Sections
15 25-1154, 25-1155, 25-1156, 25-1157, and 72-247, Reissue Revised Statutes
16 of Nebraska.