

AMENDMENTS TO LB192

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

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

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

7           ~~25-1601.03~~ The Legislature hereby declares that it is the intent and  
8 purpose of the Jury Selection Act ~~this section and sections 25-1601,~~  
9 ~~25-1603, 25-1609, 25-1611, 25-1625, 25-1627, 25-1627.01, 25-1629,~~  
10 ~~25-1629.01 to 25-1629.04, 25-1631.03, 25-1637, 25-1639, and 25-1640~~ to  
11 create a jury system which will ensure ~~insure~~ that:

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

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

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

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

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

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

27           (2) Grand jury means a body of people who are chosen to sit

1 permanently for at least a month and up to a year and who, in ex parte  
2 proceedings, decide whether to issue indictments in criminal cases;

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

5 (4) Jury panel means the persons summoned to serve as petit or grand  
6 jurors for a two-week period or such other period of a jury term as  
7 determined by the judge or judges;

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

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

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

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

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

25 (10) Revised jury pool means the list or lists of names derived by  
26 eliminating nonqualified persons from the master list pursuant to section  
27 12 of this act and from which petit and grand jurors are drawn;

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

31 (12) Two-step qualifying and summoning system means a process for

1 selecting and summoning petit or grand jurors in which a juror  
2 qualification form is sent to a potential juror and, if the juror is  
3 qualified and drawn for a jury panel, a summons is sent.

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

6 ~~25-1625~~ (1) In each county of the State of Nebraska there shall be a  
7 jury commissioner.

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

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

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

26 (5) In all counties the necessary expenses incurred in the  
27 performance of the duties of jury commissioner shall be paid by the  
28 county board of the county out of the general fund, upon proper claims  
29 approved by one of the district judges in the judicial district and duly  
30 filed with the county board.

31 (6) In all counties the jury commissioner shall prepare and file the

1 annual inventory statement with the county board of the county of all  
2 county personal property in his or her custody or possession, as provided  
3 in sections 23-346 to 23-350.

4 (7) This section shall be so interpreted as to effectuate its  
5 general purpose, to provide, in the public interest, adequate  
6 compensation for the jury commissioner and to permit a change in such  
7 salary as soon as the change may become operative under the Constitution  
8 of Nebraska.

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

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

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

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

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

1           ~~25-1603~~ In each of the county and district courts ~~counties~~ of this  
2 state, ~~wherein a district court is appointed or directed to be held,~~ the  
3 lists of grand and petit jurors shall be made up and jurors selected for  
4 jury duty in the manner prescribed in the Jury Selection Act ~~sections~~  
5 ~~25-1625 to 25-1642.~~

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

8           ~~25-1601~~ (1) All citizens of the United States residing in any of the  
9 counties of this state who are over the age of nineteen years, able to  
10 read, speak, and understand the English language, and free from all  
11 disqualifications set forth under this section and from all other legal  
12 exceptions are qualified ~~and shall be competent persons~~ to serve on all  
13 grand and petit juries in their respective counties. Persons disqualified  
14 to serve as either grand or petit jurors are: (a) Judges of any court,  
15 (b) clerks of the Supreme or district courts, (c) sheriffs, (d) jailers,  
16 (e) persons, or the spouses ~~wife or husband~~ of any such persons ~~person~~,  
17 who are parties to suits pending in the ~~district court of the~~ county of  
18 his, her, or their ~~then~~ residence for trial to ~~at~~ that jury panel, (f)  
19 persons who have been convicted of a felony ~~criminal offense punishable~~  
20 ~~by imprisonment in a Department of Correctional Services adult~~  
21 ~~correctional facility,~~ when such conviction has not been set aside or a  
22 pardon issued, and (g) persons who are subject to liability for the  
23 commission of any offense which by special provision of law disqualifies  
24 ~~does and shall disqualify~~ them. Spouses ~~Persons who are husband and wife~~  
25 shall not serve ~~be summoned~~ as jurors on the same panel. Persons who are  
26 incapable, by reason of physical or mental disability, of rendering  
27 satisfactory jury service shall not be qualified to serve on a jury, but  
28 a person claiming this disqualification shall ~~may~~ be required to submit a  
29 physician's certificate as to the disability and the certifying physician  
30 is subject to inquiry by the court at its discretion. A nursing mother  
31 who requests to be excused shall be excused from jury service until she

1 is no longer nursing her child, but the mother ~~shall~~ may be required to  
2 submit a physician's certificate in support of her request. A person who  
3 is serving on active duty as a member of the United States Armed Forces  
4 who requests to be exempt shall be exempt from jury service, but such  
5 person shall be required to submit documentation of his or her active  
6 duty status in support of his or her request.

7 (2) The district court or any judge thereof may exercise the power  
8 of excusing any grand or petit juror or any person summoned for grand or  
9 petit jury service upon a showing of undue hardship, extreme  
10 inconvenience, or public necessity for such period as the court deems  
11 necessary. At the conclusion of such period the person shall reappear for  
12 jury service in accordance with the court's direction. All excuses and  
13 the grounds for such excuses shall be entered upon the record of the  
14 court and shall be considered as a public record. In districts having  
15 more than one judge of the district court, the court may by rule or order  
16 assign or delegate to the presiding judge or any one or more judges the  
17 sole authority to grant such excuses.

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

24 ~~(4) A nursing mother shall be excused from jury service until she is~~  
25 ~~no longer nursing her child by making such request to the court at the~~  
26 ~~time the juror qualification form is filed with the jury commissioner and~~  
27 ~~including with the request a physician's certificate in support of her~~  
28 ~~request. The jury commissioner shall mail the mother a notification form~~  
29 ~~to be completed and returned to the jury commissioner by the mother when~~  
30 ~~she is no longer nursing the child.~~

31 Sec. 8. Section 25-1602, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~25-1602~~ On the trial of any suit in which a county or any other  
3 municipal corporation is a party, the inhabitants and taxpayers of such  
4 county or municipal corporation shall be qualified to serve as competent  
5 jurors if otherwise competent and qualified according to law.

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

8 ~~25-1636~~ (1) It shall be ground for challenge for cause that any  
9 potential proposed juror: (a) Does not possess the qualifications of a  
10 juror as set forth in section 7 of this act or is excluded by the terms  
11 of section 7 of this act; (b) has requested or solicited any officer of  
12 the court or officer charged in any manner with the duty of selecting the  
13 jury to place such juror upon the jury panel; or (c) otherwise lacks any  
14 of the qualifications provided by law.

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

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

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

10           (2) In a county with a population of less than three thousand  
11 inhabitants, the jury commissioner shall draw two key numbers or such  
12 larger number of key numbers as the district judge or judges may order  
13 instead of only one.

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

19           (4) ~~The jury commissioner shall make a record of the manner in which~~  
20 ~~the key number or numbers were drawn was selected, the name of the judge~~  
21 ~~present, and the date and the hour of the drawing selection, the same to~~  
22 ~~be certified by the jury commissioner, and such records shall become a~~  
23 ~~part of the public records of the county. The jury commissioner may use~~  
24 ~~an electrical or mechanical system or device in carrying out his or her~~  
25 ~~duties pursuant to this section.~~

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

28           ~~25-1628~~ (1) Upon request of the jury commissioner At least once each  
29 calendar year, the officer having charge of the election records shall  
30 furnish to the jury commissioner a complete list of the names, dates of  
31 birth, addresses, and motor vehicle operator license numbers or state



1 identification card numbers of all registered voters ~~electors~~ nineteen  
2 years of age or older in the county. ~~Each December, the~~ The Department of  
3 Motor Vehicles shall make available to each jury commissioner ~~each~~  
4 ~~December~~ a list in magnetic, optical, digital, or other electronic format  
5 mutually agreed to by the jury commissioner and the department containing  
6 the names, dates of birth, addresses, and motor vehicle operator license  
7 numbers or state identification card numbers of all licensed motor  
8 vehicle operators and state identification card holders nineteen years of  
9 age or older in the county. ~~The jury commissioner may request such a list~~  
10 ~~of licensed motor vehicle operators and state identification card holders~~  
11 ~~from the county treasurer if the county treasurer has an automated~~  
12 ~~procedure for developing such lists.~~ If a jury commissioner requests  
13 similar lists at other times from the department, the cost of processing  
14 such lists shall be paid by the county which the requesting jury  
15 commissioner serves.

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

27 (3) The jury commissioner shall then create a master ~~proposed juror~~  
28 ~~list shall be derived~~ by selecting from the combined master list the name  
29 of the person whose numerical order on such list corresponds with the key  
30 number and each successive tenth name thereafter. The jury commissioner  
31 shall certify that the master ~~proposed juror~~ list has been made in

1 accordance with the Jury Selection Act sections 25-1625 to 25-1637.

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

5 (5) In counties having a population of seven thousand inhabitants or  
6 more, the jury commissioner shall produce a master list at least once  
7 each calendar year. In counties having a population of three thousand  
8 inhabitants but less than seven thousand inhabitants, the jury  
9 commissioner shall produce a master list at least once every two calendar  
10 years. In counties having a population of less than three thousand  
11 inhabitants, the jury commissioner shall produce a master list at least  
12 once every five calendar years.

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

15 25-1629 (1) After creating a master list under section 11 of this  
16 act, the The jury commissioner shall draw potential jurors from the  
17 master list for service on petit and grand juries for the jury term in  
18 the manner and number provided in this section or as the judge or judges  
19 otherwise direct immediately upon deriving the proposed juror list mail a  
20 juror qualification form to each proposed juror pursuant to section  
21 25-1629.01 and investigate the persons whose names are found on the list.

22 (2) The jury commissioner shall draw such number of potential jurors  
23 for service on petit juries as the judge or judges direct. The jury  
24 commissioner shall investigate the potential jurors so drawn pursuant to  
25 the two-step qualifying and summoning system or the one-step qualifying  
26 and summoning system.

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

30 (i) As the jury commissioner deems necessary to arrive at a list of  
31 eighty persons who possess the qualifications of jurors set forth in

1 section 7 of this act; or

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

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

6 (4)(a) The jury commissioner shall investigate the potential jurors  
7 drawn pursuant to subdivision (3)(a) of this section pursuant to the two-  
8 step qualifying and summoning system.

9 (b) The jury commissioner shall investigate the potential jurors  
10 drawn pursuant to subdivision (3)(b) of this section pursuant to either  
11 the two-step qualifying and summoning system or the one-step qualifying  
12 and summoning system.

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

16 (6) If the jury commissioner uses the one-step qualifying and  
17 summoning system, he or she shall mail to each potential juror a juror  
18 qualification form pursuant to section 13 of this act and shall serve the  
19 potential juror with a summons pursuant to section 23 of this act.

20 (7) If the jury commissioner ~~he or she~~ finds, after reviewing the  
21 completed juror qualification forms, that a potential juror does not  
22 possess any one of them is not possessed of the qualifications of a juror  
23 petit jurors as set forth in section 7 of this act ~~25-1601~~ or is excluded  
24 by the terms of section 7 of this act ~~25-1601~~, the jury commissioner he  
25 ~~or she~~ shall strike such potential juror's name from the master list and  
26 make a record of each name stricken, which record shall be kept in the  
27 jury commissioner's ~~his or her~~ office subject to inspection by the court  
28 and attorneys of record in cases triable to a jury pending before the  
29 court, under such rules as the court may prescribe. The potential jurors  
30 ~~list as thus qualified revised~~ shall constitute the revised jury pool  
31 ~~list~~ from which grand and petit jurors shall be selected, until such pool

1 ~~list shall have been exhausted in the manner hereinafter set forth in the~~  
2 ~~Jury Selection Act or until otherwise ordered by the judge or judges.~~  
3 ~~Unless otherwise ordered by the judge or judges, the jury commissioner~~  
4 ~~shall immediately upon completing the revision of the list, in the~~  
5 ~~presence of a judge for such district, select at random the names of~~  
6 ~~eighty persons possessing the qualifications for grand jurors as set out~~  
7 ~~in section 25-1601. When no grand jury list is selected, the judge or~~  
8 ~~judges may at any time order the selecting of a grand jury list. This~~  
9 ~~list shall constitute the list from which grand jurors shall be chosen.~~  
10 Any judge of the district court shall upon the request of any

11 (8) Any person entitled to access to the list of names stricken may  
12 make a request to the judge of the district court, in accordance with  
13 section 28 of this act, for an explanation of the reasons a name has been  
14 stricken. If the judge is satisfied that such request is made in good  
15 faith and in accordance with section 28 of this act, the judge shall, if  
16 ~~satisfied that such request is made in good faith,~~ direct the jury  
17 commissioner to appear before the judge at chambers and, in the presence  
18 of the requesting complaining person, state his or her reasons for  
19 striking such the name ~~specified in the request.~~

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

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

25 ~~25-1629.01~~ (1) The jury commissioner shall deliver a juror  
26 qualification form by first-class mail or personal service to each  
27 potential every prospective juror selected to receive the form under  
28 section 12 of this act. The jury commissioner shall include whose name  
29 ~~appears on the proposed juror list a juror qualification form accompanied~~  
30 ~~by instructions to complete fill-out and return the form by mail to the~~  
31 jury commissioner within ten days after its receipt. The form may be

1 returned to the jury commissioner by mail or by an electronic submission  
2 process.

3 (2) The juror qualification form shall be in the form prescribed by  
4 the Supreme Court. Notarization of the juror qualification form shall not  
5 be required. If the potential prospective juror is unable to complete  
6 ~~fill out~~ the form, another person may do it for the potential juror ~~him~~  
7 ~~or her~~ and shall indicate that such other person ~~he or she~~ has done so  
8 and the reason therefor.

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

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

16 ~~25-1629.02~~ (1) Any potential prospective juror who fails to return  
17 a completed juror qualification form as instructed shall be directed by  
18 the jury commissioner to appear before him or her to fill out the juror  
19 qualification form. At the time of the potential prospective juror's  
20 appearance for jury service or at the time of any interview before the  
21 court or jury commissioner, any potential prospective juror may be  
22 required to fill out another juror qualification form, at which time the  
23 potential prospective juror may be questioned with regard to his or her  
24 responses to questions contained on the form and grounds for his or her  
25 excuse or disqualification. Any information thus acquired by the court or  
26 jury commissioner shall be noted on the juror qualification form.

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

31 Sec. 15. Section 25-1641, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~25-1641~~ (1) After creating the revised jury pool under section 12  
3 of this act Unless the judge or judges shall order that no jury be drawn,  
4 the jury commissioner shall select a list of petit jurors for the initial  
5 jury panel of a jury term in the manner directed by the judge or judges  
6 pursuant to this section. At least ten days before the first day of any  
7 jury term of the district court or ten days before the day the jury is  
8 otherwise directed to report, the jury commissioner three of the judges  
9 of the court if there be three, or one of the judges if there be less  
10 than three, or a judge of the county court or the sheriff or such other  
11 elective officer of the county as the judge or judges may designate shall  
12 appear at the office of the jury commissioner who, in the presence of  
13 such judge or judges or the sheriff or other officer of the county so  
14 designated by the judge or judges, shall draw select by chance the names  
15 of thirty persons or such number as the judge or judges may otherwise  
16 direct from the revised jury pool, for each judge sitting with a jury in  
17 such court, as petit jurors for such initial jury panel term. The jury  
18 commissioner person selecting the names may use a manual jury selection  
19 process or an electronic jury selection process an electrical or  
20 mechanical system or device in carrying out his or her duties pursuant to  
21 this section.

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

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

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

30 ~~If an electronic or mechanical system or device is used to select~~  
31 ~~the petit jurors, the judge or judges or the sheriff or other elective~~

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

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

9       ~~25-1632~~ Subsequent panels of petit jurors ~~for two weeks each~~ shall  
10 be called as the judge or judges may determine during the jury term. If  
11 it is determined that a , and at least ten days before such subsequent  
12 panel or panels are necessary, the judge or judges, as the case may be,  
13 shall order proceed as aforesaid to the office of the jury commissioner,  
14 and the jury commissioner to shall, in the presence of such judge or  
15 judges, draw by chance in the same manner such number of names as such  
16 judge or judges shall direct from the revised jury pool as petit jurors  
17 for such subsequent ~~two weeks period of that term for jury panel~~ service.  
18 The jury commissioner may use a manual jury selection process or an  
19 electronic jury selection process in carrying out his or her duties  
20 pursuant to this section. The persons so drawn shall be notified and  
21 summoned the same as those drawn for the initial jury panel under section  
22 15 of this act first two weeks. The judge or judges may, by order, defer  
23 the drawing and reporting of subsequent jury panels for service after the  
24 first two weeks of the term for such period of time as they may determine  
25 and in such order or orders may fix the number of subsequent jury panels  
26 to be drawn and the number of jurors to be drawn for each panel. During  
27 the jury term the jury commissioner shall draw, notify, and summon  
28 subsequent jury panels of other petit jurors in the manner hereinbefore  
29 provided in this section as often as the length of the jury term may  
30 require and the judge or judges direct. The provisions of this section  
31 shall not be mandatory in counties having a population of less than sixty

1 thousand inhabitants.

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

4 ~~25-1631.03~~ The judge shall examine all jurors ~~so selected~~ who appear  
5 for jury service. If, and if, after all excuses have been allowed, there  
6 remain more than twenty-four petit jurors for each judge sitting with a  
7 jury, who are qualified and not excluded by the terms of section 7 of  
8 this act 25-1601, ~~shall remain,~~ the court may excuse by lot such number  
9 in excess of twenty-four as the court may see fit. Those jurors who have  
10 been discharged in excess of twenty-four for each judge, but are  
11 qualified, shall not be discharged permanently, but shall remain subject  
12 to be resummoned for jury service upon the same jury panel ~~and before a~~  
13 ~~new key number is selected.~~

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

16 ~~25-1632.01~~ Whenever there is ~~shall be~~ pending in the criminal court  
17 any case in which , ~~wherein~~ the defendant is ~~shall be~~ charged with a  
18 felony, and the judge holding the court is convinced from the  
19 circumstances of the case that a jury cannot be obtained from the regular  
20 jury panel to try the case, the judge may, in his or her discretion,  
21 prior to the day fixed for the trial of the case, direct the jury  
22 commissioner to draw, in the same manner as described in section 16 of  
23 this act 25-1632, such number of names as the judge or judges may direct  
24 as a special jury panel from which a jury may be selected to try such  
25 case, which jury panel shall be notified and summoned for such said day  
26 in the same manner as the regular jury panel.

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

29 ~~25-1634~~ (1) If for any reason it appears to the judge that the jury  
30 panel of petit jurors will not be adequate at the opening of the court,  
31 or at any time during the jury term, the jury commissioner shall, when



1 ordered by the judge, ~~or judges of the court~~ draw, in the same manner and  
2 presence as the first drawing of an initial jury panel under section 15  
3 of this act, such number of jurors as the judge ~~or judges~~ shall direct to  
4 fill such jury panel or as extra jurors, and those drawn shall be  
5 notified and summoned in the same manner as described in section 15 of  
6 this act ~~the others~~ or as the court may direct. This shall also apply to  
7 the selection of tales jurors ~~talesmen~~ for particular causes after the  
8 regular jury panel is exhausted.

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

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

16 ~~25-1634.02~~ (1) When it is deemed necessary, the judge shall direct  
17 the jury commissioner or the sheriff of the county or such other person  
18 as may be designated by the judge to summon from the bystanders or the  
19 body of the county a sufficient number of persons having the  
20 qualifications of jurors, as provided in section 7 of this act ~~25-1601~~,  
21 to serve as tales jurors to fill the jury panel, in order that a jury may  
22 be obtained.

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

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

31 ~~25-1634.01~~ (1) Each person summoned, under the provisions of

1 ~~section 25-1634, shall forthwith appear before the court and if competent~~  
2 ~~shall serve on the petit jury unless such person shall be excused from~~  
3 ~~service or lawfully challenged. If necessary, jurors shall continue to be~~  
4 ~~so drawn from time to time until the panel shall be filled.~~

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

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

15 ~~25-1633~~ (1) If a grand jury shall be required by law, or by order  
16 of the judge or judges, for any jury term of court, it shall be the duty  
17 of the jury commissioner to draw by chance the names of ~~out of the box or~~  
18 ~~wheel, containing the names of the grand jury list, in the presence of~~  
19 ~~the judge or judges, forty names of persons, or such number as the judge~~  
20 ~~or judges direct. Such names shall be drawn from that portion of the~~  
21 ~~revised jury pool made up of the eighty persons, or such other number of~~  
22 ~~persons as directed by the judge or judges, that were drawn under~~  
23 ~~subsection (3) of section 12 of this act and which have been placed in~~  
24 ~~the revised jury pool. The jury commissioner may use a manual jury~~  
25 ~~selection process or an electronic jury selection process in carrying out~~  
26 ~~his or her duties pursuant to this section.~~ The jury commissioner shall  
27 then prepare a list of such names, which list shall contain the given  
28 names and surnames of persons named therein, their respective places of  
29 residence, and their several occupations.

30 (2) In counties that require potential grand jurors to appear before  
31 the court prior to making the selection under subsection (3) of this

1 section, the jury commissioner shall, for each person whose name was  
2 drawn pursuant to subsection (1) of this section:

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

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

9 (3) The ~~Such~~ list of names drawn pursuant to subsection (1) of this  
10 section shall then be turned over by the jury commissioner to a board to  
11 consist of the jury commissioner, the presiding judge of the district  
12 court, and one other person whom the presiding judge shall designate. The  
13 presiding judge shall be the chairperson. Such board shall select from  
14 such the list of ~~forty names,~~ the names of sixteen persons to serve as ,  
15 qualified as grand jurors under this section, and the persons whose names  
16 are so selected shall be the grand jurors. Such board shall also select  
17 from the list of ~~forty names,~~ the names of three additional persons to  
18 serve as alternate jurors.

19 (4) In counties that do not require potential grand jurors to appear  
20 before the court prior to making the selection under subsection (3) of  
21 this section, the jury commissioner shall, for each person selected to  
22 serve as a grand juror or alternate under subsection (3) of this section:

23 (a) Serve a summons pursuant to section 23 of this act on each  
24 person selected if the jury commissioner uses the two-step qualifying and  
25 summoning system; or

26 (b) Notify each person selected of the date and time to report for  
27 jury service if the jury commissioner uses the one-step qualifying and  
28 summoning system.

29 (5) The alternate jurors shall sit with the grand jury and  
30 participate in all investigative proceedings to the same extent as the  
31 regular grand jurors. Alternate grand jurors shall be permitted to

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

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

12 ~~25-1606~~ (1) The summons of grand and petit jurors for the courts of  
13 this state shall be served by the jury commissioner, the clerk of such  
14 court, or any other person authorized by the court by delivering mailing  
15 a copy of such summons, containing the time, place, and the name of the  
16 court which such jurors are to attend, by either registered, certified,  
17 or first-class mail or personal service to the person whose name has been  
18 drawn, not less than ten days before the day such juror is to appear as a  
19 juror in such court, except that this shall not prevent service of  
20 special summons on a ~~tales juror~~ ~~talesman~~ by the sheriff of the county or  
21 by such other person as may be designated by the judge or judges.

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

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

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

3           ~~25-1607~~ (1) Each grand juror and petit juror summoned shall appear  
4 before the court on the day and at the hour specified in the summons or  
5 as further directed by the , and shall not depart without leave of court.

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

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

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

16           ~~25-1639~~ In any five-year period no person shall be required to:

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

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

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

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

23           ~~25-1631~~ All parties to an action which is filed with a county court  
24 of this state may agree that the jury may be selected up to thirty-one  
25 days prior to the date of trial. The stipulation must be unanimous among  
26 all parties and evidenced by a joint stipulation to the court.

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

1 between the jury commissioner and the clerk magistrate or judicial  
2 administrator.

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

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

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

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

1           ~~25-1640~~ Any person who is summoned to serve on jury duty shall not  
2 be subject to discharge from employment, loss of pay, loss of sick leave,  
3 loss of vacation time, or any other form of penalty, as a result of his  
4 or her absence from employment due to such jury duty, upon giving  
5 reasonable notice to his or her employer of such summons. Any person who  
6 is summoned to serve on jury duty shall be excused upon request from any  
7 shift work for those days required to serve as a juror without loss of  
8 pay. No employer shall subject an employee to discharge, loss of pay,  
9 loss of sick leave, loss of vacation time, or any other form of penalty  
10 on account of his or her absence from employment by reason of jury duty,  
11 except that an employer may reduce the pay of an employee by an amount  
12 equal to any compensation, other than expenses, paid by the court for  
13 jury duty. Any person violating ~~the provisions of~~ this section shall be  
14 guilty of a Class IV misdemeanor.

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

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

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

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

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

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

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

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

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

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

29 (2) Upon a motion filed under subsection (1) of this section  
30 containing a sworn statement of facts which, if true, would constitute a  
31 substantial failure to comply with the Jury Selection Act Chapter 25,



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

11 (3) The procedures prescribed by this section are the exclusive  
12 means by which the state, a person accused of a crime, or a party in a  
13 civil case may challenge a jury on the ground that the jury was not  
14 selected in conformity with the Jury Selection Act Chapter 25, article  
15 16.

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

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

1           Sec. 33. Section 25-412.04, Reissue Revised Statutes of Nebraska, is  
2 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 selected ~~elected~~ in the  
6 manner prescribed in the Jury Selection Act Chapter 25, ~~article 16~~. The  
7 summons shall direct attendance before the court by which the case is to  
8 be tried and the return thereof shall be made to the same court.

9           Sec. 34. Section 25-1107.01, Reissue Revised Statutes of Nebraska,  
10 is 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. The  
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~~ mutilate and destroy such notes upon return of  
19 the verdict.

20           Sec. 35. 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. 36. 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. 37. 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 orders  
14 ~~order~~ the case to be reserved for future argument or consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Sec. 40. Section 29-1201, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

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

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

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

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

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

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

31 Sec. 44. Section 29-2023, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

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

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

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

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

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

1 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1635, 25-1636, 25-1637,  
2 25-1639, 25-1640, 25-1641, 25-2705, 28-916, 29-1201, 29-2003, 29-2011,  
3 29-2017, 29-2023, and 33-138, Reissue Revised Statutes of Nebraska, are  
4 repealed.

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