

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 387

Introduced by Pansing Brooks, 28.

Read first time January 17, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to juries; to amend sections 25-412.04,
2 25-1107.01, 25-1108, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603,
3 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627,
4 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1630, 25-1631,
5 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01,
6 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 28-916,
7 29-1201, 29-2003, 29-2011, 29-2017, and 33-138, Reissue Revised
8 Statutes of Nebraska, and sections 25-1635 and 29-2023, Revised
9 Statutes Cumulative Supplement, 2018; to name the Jury Selection
10 Act; to define terms; to change terminology relating to juries; to
11 transfer, change, and eliminate provisions relating to jury
12 commissioners, juror qualifications, exemptions and excuses from
13 jury service, jury lists and summoning juries, initial and
14 subsequent jury panels, excess jurors, special jury panels in
15 criminal cases, extra jurors, tales jurors, grand juries, jurors'
16 notes, jurors viewing property or a place material to litigation,
17 and compensation for jurors; to provide duties for clerk
18 magistrates; to change terminology relating to verdicts and court
19 proceedings; to change penalty provisions; to harmonize provisions;
20 to provide an operative date; to repeal the original sections; and
21 to outright repeal sections 25-1609, 25-1626.02, 25-1627.01,
22 25-1629.03, 25-1629.04, 25-1633.01, 25-1634.03, 25-1642, and
23 25-1643, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Sections 1 to 35 of this act shall be known and may be
2 cited as the Jury Selection Act.

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

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

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

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

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

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

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

21 (1) Combined list means the list created pursuant to section 11 of
22 this act by merging the lists of names from the Department of Motor
23 Vehicles and from election records into one list;

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

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

29 (4) Jury list means a list or lists of names of potential jurors
30 drawn from the master key list for possible service on grand and petit
31 juries;

1 (5) Jury management system means an electronic process approved by
2 the court in which individuals are randomly selected to serve as grand or
3 petit jurors and for which the presence of a district court judge or
4 other designated official is not required. A jury management system may
5 also provide an electronic process for a potential juror to complete and
6 submit a juror qualification form and to receive summonses and
7 notifications regarding jury service;

8 (6) Jury panel means the persons summoned to serve as grand or petit
9 jurors for such period of a jury term as determined by the judge or
10 judges;

11 (7) Jury term means a month, calendar quarter, year, or other period
12 of time as determined by the judge or judges during which grand or petit
13 jurors are selected for service from a master key list. A jury term shall
14 not extend beyond the time by which a new combined list is required to be
15 prepared pursuant to section 11 of this act, except by order of the
16 court;

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

21 (9) Master key list means the list of names selected using the key
22 number pursuant to section 11 of this act;

23 (10) One-step qualifying and summoning system means a process for
24 selecting and summoning grand or petit jurors in which a juror
25 qualification form and summons, or instructions to complete a jury
26 qualification form through a jury management system and a summons, are
27 sent to a potential juror at the same time;

28 (11) Petit jury means a group of jurors who may be summoned and
29 empaneled in the trial of a specific case;

30 (12) Tales juror means a person selected from among the bystanders
31 in court or the people of the county to serve as a juror when the

1 original jury panel has become deficient in number; and

2 (13) Two-step qualifying and summoning system means a process for
3 selecting and summoning grand or petit jurors in which a juror
4 qualification form, or instructions to complete a jury qualification form
5 through a jury management system, is sent to a potential juror and, if
6 the juror is qualified and drawn for jury service, a summons is sent.

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

9 ~~25-1625~~ (1) In each county of the State of Nebraska there shall be a
10 jury commissioner.

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

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

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

29 (5) In all counties the necessary expenses incurred in the
30 performance of the duties of jury commissioner shall be paid by the
31 county board of the county out of the general fund, upon proper claims

1 approved by one of the district judges in the judicial district and duly
2 filed with the county board.

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

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

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

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

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

30 (3) If there are no regular employees of the office of jury
31 commissioner, he or she may appoint some other county officer or employee

1 thereof as deputy jury commissioner.

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

4 ~~25-1603~~ In each of the county and district courts ~~counties~~ of this
5 state, ~~wherein a district court is appointed or directed to be held,~~ the
6 lists of grand and petit jurors shall be made up and jurors selected for
7 jury duty in the manner prescribed in the Jury Selection Act ~~sections~~
8 ~~25-1625 to 25-1642.~~

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

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

1 physician's certificate as to the disability and the certifying physician
2 is subject to inquiry by the court at its discretion. A nursing mother
3 who requests to be excused shall be excused from jury service until she
4 is no longer nursing her child, but the mother shall ~~may~~ be required to
5 submit a physician's certificate in support of her request. A person who
6 is serving on active duty as a member of the United States Armed Forces
7 who requests to be exempt shall be exempt from jury service, but such
8 person shall be required to submit documentation of his or her active
9 duty status in support of his or her request.

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

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

27 (4) The statutory grounds on which a person is excused or
28 disqualified from jury service and the fact of such excusal or
29 disqualification are public records. A physician's certificate or other
30 documentation or information submitted by a person in support of a claim
31 of disqualification by reason of physical or mental disability or due to

1 such person's status as a nursing mother is not a public record as
2 defined in section 84-712.01 and is not subject to disclosure under
3 sections 84-712 to 84-712.09.

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

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

13 ~~25-1602~~ On the trial of any suit in which a county or any other
14 municipal corporation is a party, the inhabitants and taxpayers of such
15 county or municipal corporation shall be qualified to serve as competent
16 jurors if otherwise competent and qualified according to law.

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

19 ~~25-1636~~ (1) It shall be ground for challenge for cause that any
20 potential proposed juror: (a) Does not possess the qualifications of a
21 juror as set forth in section 7 of this act or is excluded by the terms
22 of section 7 of this act; (b) has requested or solicited any officer of
23 the court or officer charged in any manner with the duty of selecting the
24 jury to place such juror upon the jury panel; or (c) otherwise lacks any
25 of the qualifications provided by law.

26 (2) It shall not be a ground for challenge for cause of challenge
27 that a potential juror has read, heard, or watched in news media the
28 newspapers an account of the commission of a crime with which a defendant
29 prisoner is charged, if such juror states under shall state on oath that
30 it is the belief of said person that he or she can render an impartial
31 verdict according to the law and the evidence; and the court is shall be

1 satisfied as to the truth of such statement. ~~In ; Provided, that in~~
2 trial of any criminal cause, the fact that a person called as a juror has
3 formed an opinion based upon rumor or ~~newspaper~~ statements or reports in
4 news media, and as to the truth of which the person said juror has formed
5 no opinion, shall not disqualify the said person to serve as a juror on
6 such cause, if the person states under said juror shall upon oath state
7 ~~that it is the belief of said person~~ that he or she can fully and
8 impartially render a verdict in accordance with the law and the evidence,
9 and the court is shall be satisfied as to the truth of such statement.

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

12 ~~25-1627~~ (1) The jury commissioner shall in the presence of one of
13 the judges of the district court of the county, at such times as may be
14 necessary, or as he or she may be ordered to do so by the district judge,
15 shall draw ~~select~~ a number to be known as a key number. The drawing
16 ~~selecting~~ of a key number shall be done in a manner which will ensure
17 ~~insure~~ that the number drawn ~~selected~~ is the result of chance. The key
18 number shall be drawn ~~selected~~ from among the numbers one to ten. Except
19 as otherwise provided in this section, only one key number need be drawn.

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

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

29 (4) The jury commissioner shall make a record of the manner in which
30 the key number or numbers were drawn was selected, the name of the judge
31 present, and the date and the hour of the drawing selection, the same to

1 be certified by the jury commissioner, and such records shall become a
2 part of the public records of the county. ~~The jury commissioner may use~~
3 ~~an electrical or mechanical system or device in carrying out his or her~~
4 ~~duties pursuant to this section.~~

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

7 ~~25-1628 (1) Each December, the At least once each calendar year, the~~
8 ~~officer having charge of the election records shall furnish to the jury~~
9 ~~commissioner a complete list of the names, dates of birth, addresses, and~~
10 ~~motor vehicle operator license numbers or state identification card~~
11 ~~numbers of all registered electors nineteen years of age or older in the~~
12 ~~county. The Department of Motor Vehicles shall make available to each~~
13 ~~jury commissioner each December a list in magnetic, optical, digital, or~~
14 ~~other electronic format mutually agreed to by the jury commissioner and~~
15 ~~the department containing the names, dates of birth, addresses, and motor~~
16 ~~vehicle operator license numbers or state identification card numbers of~~
17 ~~all licensed motor vehicle operators and state identification card~~
18 ~~holders nineteen years of age or older in the county. The jury~~
19 ~~commissioner may request such a list of licensed motor vehicle operators~~
20 ~~and state identification card holders from the county treasurer if the~~
21 ~~county treasurer has an automated procedure for developing such lists. If~~
22 ~~a jury commissioner requests similar lists at other times from the~~
23 ~~department, the cost of processing such lists shall be paid by the county~~
24 ~~which the requesting jury commissioner serves. Upon request of the jury~~
25 commissioner, the election commissioner or county clerk having charge of
26 the election records shall furnish to the jury commissioner a complete
27 list of the names, dates of birth, addresses, and motor vehicle operator
28 license numbers or state identification card numbers of all registered
29 voters nineteen years of age or older in the county.

30 (2) When required pursuant to subsection (3) of this section or when
31 otherwise necessary or as directed by the judge or judges, the jury

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

14 (3) In counties having a population of seven thousand inhabitants or
15 more, the jury commissioner shall produce a combined list at least once
16 each calendar year. In counties having a population of three thousand
17 inhabitants but less than seven thousand inhabitants, the jury
18 commissioner shall produce a combined list at least once every two
19 calendar years. In counties having a population of less than three
20 thousand inhabitants, the jury commissioner shall produce a combined list
21 at least once every five calendar years.

22 (4) (3) The jury commissioner shall then create a master key
23 proposed juror list shall be derived by selecting from the combined
24 master list the name of the person whose numerical order on such list
25 corresponds with the key number and each successive tenth name
26 thereafter. The jury commissioner shall certify that the master key
27 proposed juror list has been made in accordance with the Jury Selection
28 Act sections 25-1625 to 25-1637.

29 (5) (4) Any unintentional duplication of names on a combined list or
30 master key list shall not be grounds for quashing any panel or jury list
31 pursuant to section 35 of this act 25-1637 or for the disqualification of

1 any juror.

2 Sec. 12. (1) Prior to the jury term or at any time during the jury
3 term, the jury commissioner may draw potential jurors from the master key
4 list for service on petit jury panels that will be needed throughout the
5 jury term. The jury commissioner shall draw such number of potential
6 jurors from the master key list as the judge or judges direct.

7 (2) In drawing the names of potential jurors, the jury commissioner
8 may use a manual jury selection process or a jury management system. The
9 jury commissioner shall investigate the potential jurors so drawn
10 pursuant to the two-step qualifying and summoning system or the one-step
11 qualifying and summoning system.

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

15 (b) If the jury commissioner uses the one-step qualifying and
16 summoning system, he or she shall deliver to each potential juror a juror
17 qualification form pursuant to section 14 of this act and shall serve the
18 potential juror with a summons pursuant to section 17 of this act.

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

21 ~~25-1641~~ (1) Unless the judge or judges shall order that no jury be
22 drawn, the jury commissioner shall draw select a list of petit jurors for
23 a regular jury panel in the manner directed by the judge or judges
24 pursuant to this section. At least ten days before the first day of any
25 jury term of the district court or ten days before the day the jury is
26 otherwise directed to report, three of the judges of the court if there
27 be three, or one of the judges if there be less than three, or a judge of
28 the county court or the sheriff or such other elective officer of the
29 county as the judge or judges may designate shall appear at the office of
30 the jury commissioner who, in the presence of such judge or judges or the
31 sheriff or other officer of the county so designated by the judge or

1 ~~judges,~~

2 (2) If the jury commissioner has previously drawn and investigated
3 potential jurors for service during the jury term as provided in section
4 12 of this act, the jury commissioner shall draw select by chance the
5 names of thirty such qualified jurors, persons or such other number as
6 the judge or judges may otherwise direct, for each judge sitting with a
7 jury in such court, as petit jurors for such regular jury panel term. The
8 person selecting the names may use an electrical or mechanical system or
9 device in carrying out his or her duties pursuant to this section.

10 (3) If the jury commissioner has not previously drawn and
11 investigated potential jurors for service during the jury term as
12 provided in section 12 of this act, the jury commissioner shall draw and
13 investigate potential jurors from the master key list in the same manner
14 as provided in section 12 of this act. The jury commissioner shall draw
15 and investigate such number of potential jurors as the jury commissioner
16 deems necessary to arrive at a list of thirty qualified jurors or such
17 other number of qualified jurors as the judge or judges shall direct for
18 each judge sitting with a jury.

19 (4) After drawing the names pursuant to subsection (2) or (3) of
20 this section, the jury commissioner shall:

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

24 (b) If the jury commissioner has not already done so in the summons
25 or by another method of notification, notify each person whose name was
26 drawn of the date and time to report for jury service if the jury
27 commissioner uses the one-step qualifying and summoning system.

28 ~~If an electronic or mechanical system or device is used to select~~
29 ~~the petit jurors, the judge or judges or the sheriff or other elective~~
30 ~~officer so designated need not be personally present at the office of the~~
31 ~~jury commissioner during such selection. In lieu thereof, the presiding~~

1 ~~judge or his or her designated representative may direct the jury~~
2 ~~commissioner to select at random from the proposed jury list a specified~~
3 ~~number of petit jurors for such term of court or, if more than one jury~~
4 ~~panel is summoned during such term, for each such panel.~~

5 Sec. 14. Section 25-1629.01, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 ~~25-1629.01~~ (1) Except as provided in subsection (2) of this
8 section, the jury commissioner shall deliver a juror qualification
9 form mail to each potential every prospective juror drawn for jury
10 service. The delivery may be by first-class mail or personal service or
11 through a jury management system. The jury commissioner shall include
12 whose name appears on the proposed juror list a juror qualification form
13 accompanied by instructions to complete fill out and return the form by
14 mail to the jury commissioner within ten days after its receipt. The form
15 may be returned to the jury commissioner by mail or through a jury
16 management system.

17 (2)(a) In lieu of the juror qualification form delivery process
18 described in subsection (1) of this section, a jury commissioner may send
19 to a potential juror a notice or summons which includes instructions to
20 complete a juror qualification form through a jury management system. The
21 notice or summons may be sent by first-class mail or personal service or
22 through a jury management system. The jury commissioner shall include
23 instructions to complete and submit the juror qualification form within
24 ten days after receipt of the notice or summons.

25 (b) If a potential juror fails to complete the qualification form as
26 instructed within such ten days, the jury commissioner shall deliver to
27 such potential juror, by first-class mail or personal service, a revised
28 notice or summons and juror qualification form with instructions to
29 complete and return the form to the jury commissioner within ten days
30 after its receipt.

31 (3) The juror qualification form shall be in the form prescribed by

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

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

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

13 ~~25-1629.02~~ (1) Any potential prospective juror who fails to return
14 a completed juror qualification form as instructed shall be directed by
15 the jury commissioner to appear before him or her to fill out the juror
16 qualification form. At the time of the potential prospective juror's
17 appearance for jury service or at the time of any interview before the
18 court or jury commissioner, any potential prospective juror may be
19 required to fill out another juror qualification form, at which time the
20 potential prospective juror may be questioned with regard to his or her
21 responses to questions contained on the form and grounds for his or her
22 excuse or disqualification. Any information thus acquired by the court or
23 jury commissioner shall be noted on the juror qualification form.

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

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

30 ~~25-1629~~ ~~The jury commissioner shall immediately upon deriving the~~
31 ~~proposed juror list mail a juror qualification form to each proposed~~

1 ~~juror pursuant to section 25-1629.01 and investigate the persons whose~~
2 ~~names are found on the list.~~

3 (1) If the jury commissioner he or she finds, after reviewing a
4 completed juror qualification form, that a potential juror does not
5 possess any one of them is not possessed of the qualifications of a juror
6 petit jurors as set forth in section 7 of this act 25-1601 or is excluded
7 by the terms of section 7 of this act 25-1601, the jury commissioner he
8 or she shall strike such potential juror's name from the master key list
9 and make a record of each name stricken, which record shall be kept in
10 the jury commissioner's his or her office subject to inspection by the
11 court and attorneys of record in cases triable to a jury pending before
12 the court, under such rules as the court may prescribe. The list as thus
13 revised shall constitute the list from which petit jurors shall be
14 selected, until such list shall have been exhausted in the manner
15 hereinafter set forth or until otherwise ordered by the judge or judges.

16 ~~Unless otherwise ordered by the judge or judges, the jury~~
17 ~~commissioner shall immediately upon completing the revision of the list,~~
18 ~~in the presence of a judge for such district, select at random the names~~
19 ~~of eighty persons possessing the qualifications for grand jurors as set~~
20 ~~out in section 25-1601. When no grand jury list is selected, the judge or~~
21 ~~judges may at any time order the selecting of a grand jury list. This~~
22 ~~list shall constitute the list from which grand jurors shall be chosen.~~
23 ~~Any judge of the district court shall upon the request of any~~

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

1 striking such the name ~~specified in the request.~~

2 Sec. 17. Section 25-1606, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 ~~25-1606~~ (1) The summons of grand and petit jurors for the courts of
5 this state shall be served by the jury commissioner, the clerk of such
6 court, or any other person authorized by the court by delivering mailing
7 a copy of such summons, containing the time, place, and the name of the
8 court which such jurors are to attend, by either registered, certified,
9 or first-class mail or personal service or through a jury management
10 system to the person whose name has been drawn. ,

11 (2)(a) If the jury commissioner uses the two-step qualifying and
12 summoning system, the summons shall be delivered not less than ten days
13 before the day such juror is to appear as a juror in such court, except
14 that this shall not prevent service of special summons on a talesman by
15 the sheriff of the county or by such other person as may be designated by
16 the judge or judges.

17 (b) If the jury commissioner uses the one-step qualifying and
18 summoning system, the summons shall be delivered:

19 (i) Not less than ten days before the first day of the jury term, if
20 the jury commissioner is summoning jurors for service throughout the jury
21 term; or

22 (ii) Not less than ten days before the day such juror is to appear
23 as a juror in such court, if the jury commissioner is summoning a juror
24 for service on a specific jury panel.

25 (c) The deadlines in this subdivision shall not apply to summons
26 delivered to extra jurors pursuant to section 22 of this act or tales
27 jurors pursuant to section 23 of this act. Summons to such jurors shall
28 be delivered at the earliest possible time under the circumstances and as
29 directed by the judge or judges.

30 (3)(a) If the jury commissioner uses the two-step qualifying and
31 summoning system, a summons sent under this section shall include the

1 day, time, place, and name of the court where the juror is to report for
2 jury service.

3 (b) If the jury commissioner uses the one-step qualifying and
4 summoning system, a summons sent under this section shall include such
5 details as to the day, time, place, and name of the court where the juror
6 is to report for jury service as are known at the time the summons is
7 sent along with additional instructions regarding the manner in which the
8 juror shall contact the court or will be notified by the court of any
9 additional details.

10 Sec. 18. Section 25-1607, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~25-1607~~ (1) Each grand juror and petit juror summoned shall appear
13 before the court on the day and at the hour specified in the summons or
14 as further directed by the , and shall not depart without leave of court.

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

20 (3) No person shall be guilty of contempt of court under this
21 section for failing to respond to a summons sent:

22 (a) By first-class mail, if sent pursuant to a one-step qualifying
23 and summoning system, and if the person has (i) returned a qualification
24 form and the jury commissioner has determined that such person is not
25 qualified; (ii) been excused from jury service; or (iii) had his or her
26 jury service postponed; or

27 (b) Through a jury management system.

28 Sec. 19. Section 25-1632, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 ~~25-1632~~ Subsequent panels of petit jurors for two weeks each shall
31 be called as the judge or judges may determine during the jury term. If

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

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

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

31 Sec. 21. Section 25-1632.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 ~~25-1632.01~~ Whenever there is ~~shall be~~ pending in the criminal court
3 any case in which ~~, wherein~~ the defendant is ~~shall be~~ charged with a
4 felony, and the judge holding the court is convinced from the
5 circumstances of the case that a jury cannot be obtained from the regular
6 jury panel to try the case, the judge may, in his or her discretion,
7 prior to the day fixed for the trial of the case, direct the jury
8 commissioner to draw, in the same manner as described in section 13 of
9 this act ~~25-1632~~, such number of names as the judge or judges may direct
10 as a special jury panel from which a jury may be selected to try such
11 case, which jury panel shall be ~~notified and~~ summoned for such said day
12 in the same manner as the regular jury panel.

13 Sec. 22. Section 25-1634, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 ~~25-1634~~ (1) If for any reason it appears to the judge that the jury
16 panel of petit jurors will not be adequate ~~at the opening of the court,~~
17 ~~or~~ at any time during the jury term, the jury commissioner shall, when
18 ordered by the judge, ~~or judges of the court~~ draw, in the same manner ~~and~~
19 ~~presence~~ as the first drawing of a regular jury panel under section 13 of
20 this act, such number of potential jurors as the judge directs ~~or judges~~
21 ~~shall direct~~ to fill such jury panel or as extra jurors, and those drawn
22 shall be notified and summoned in the same manner as described in section
23 13 of this act ~~the others~~ or as the court may direct. This shall also
24 apply to the selection of tales jurors ~~talesmen~~ for particular causes
25 after the regular jury panel is exhausted.

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

31 Sec. 23. Section 25-1634.02, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 ~~25-1634.02~~ (1) When it is deemed necessary, the judge shall direct
3 the jury commissioner or the sheriff of the county or such other person
4 as may be designated by the judge to summon from the bystanders or the
5 body of the county a sufficient number of persons having the
6 qualifications of jurors, as provided in section 7 of this act ~~25-1601~~,
7 to serve as tales jurors to fill the jury panel, in order that a jury may
8 be obtained.

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

15 Sec. 24. Section 25-1634.01, Reissue Revised Statutes of Nebraska,
16 is amended to read:

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

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

30 Sec. 25. (1) Unless the judge or judges order that no grand jury be
31 drawn, after creating the master key list under section 11 of this act,

1 the jury commissioner shall draw potential jurors from the master key
2 list for service on grand juries for the jury term in the manner and
3 number provided in this section or as the judge or judges otherwise
4 direct. In drawing names, the jury commissioner may use a manual jury
5 selection process or a jury management system.

6 (2) If the judge or judges initially order that no grand jury be
7 drawn, such judge or judges may at any time thereafter order the drawing
8 of a grand jury.

9 (3) The jury commissioner shall draw such number of potential jurors
10 for grand jury service:

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

14 (b) As the judge or judges may otherwise direct.

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

18 (b) If the jury commissioner uses the one-step qualifying and
19 summoning system, he or she shall deliver to each potential juror a juror
20 qualification form pursuant to section 14 of this act and shall serve the
21 potential juror with a summons pursuant to section 17 of this act.

22 Sec. 26. Section 25-1633, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 25-1633 (1) When the law requires that a grand jury be empaneled or
25 when ordered by the judge or judges, the jury commissioner shall draw
26 grand jurors pursuant to this section. If a grand jury shall be required
27 by law, or by order of the judge or judges, for any term of court, it
28 shall be the duty of the jury commissioner to draw out of the box or
29 wheel, containing the names of the grand jury list, in the presence of
30 the judge or judges, forty names of persons.

31 (2) The jury commissioner shall draw by chance forty names, or such

1 other number as directed by the judge or judges, of persons the jury
2 commissioner has investigated and determined to be qualified pursuant to
3 section 25 of this act. The jury commissioner shall then prepare a list
4 of such names. Such list shall also contain the place of residence and
5 occupation of each person on the list , ~~which list shall contain the~~
6 ~~given names and surnames of persons named therein, their respective~~
7 ~~places of residence, and their several occupations.~~

8 (3) The jury commissioner shall notify or summon persons selected
9 under subsection (2) of this section as directed by the judge or judges.

10 (4) ~~The~~ Such list of names drawn pursuant to subsection (2) of this
11 section shall then be turned over by the jury commissioner to a board to
12 consist of the jury commissioner, the presiding judge of the district
13 court, and one other person whom the presiding judge shall designate. The
14 presiding judge shall be the chairperson. Such board shall select from
15 such the list of forty names, the names of sixteen persons to serve ,
16 ~~qualified as grand jurors under this section, and the persons whose names~~
17 ~~are so selected shall be the grand jurors. Such board shall also select~~
18 ~~from the list of forty names,~~ the names of three additional persons to
19 serve as alternate jurors.

20 (5) The alternate jurors shall sit with the grand jury and
21 participate in all investigative proceedings to the same extent as the
22 regular grand jurors. Alternate grand jurors shall be permitted to
23 question witnesses, review evidence, and participate in all discussions
24 of the grand jury which occur prior to the conclusion of presentation of
25 evidence. When the grand jury has determined that no additional evidence
26 is necessary for its investigation, the alternate grand jurors shall be
27 separated from the regular grand jurors and shall not participate in any
28 further discussions, deliberations, or voting of the grand jury unless
29 one or more of the regular grand jurors is or are excused because of
30 illness or other sufficient reason. Such alternate jurors shall fill
31 vacancies in the order of their selection.

1 Sec. 27. Section 25-1639, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~25-1639~~ In any five-year period no person shall be required to:

- 4 (1) Serve as a petit juror for more than four calendar weeks, except
5 if necessary to complete service in a particular case;
6 (2) Serve on more than one grand jury; or
7 (3) Serve as both a grand and petit juror.

8 Sec. 28. Section 25-1631, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 ~~25-1631~~ All parties to an action which is filed with a county court
11 of this state may agree that the jury may be selected up to thirty-one
12 days prior to the date of trial. The stipulation must be unanimous among
13 all parties and evidenced by a joint stipulation to the court.

14 Sec. 29. The clerk magistrate shall provide written notice of a
15 jury trial to the jury commissioner not less than thirty days prior to
16 trial. The notice shall set forth the number of petit jurors to be
17 summoned and the day and hour the petit jurors are to appear before the
18 court. The requirements of this section may be waived upon an agreement
19 between the jury commissioner and the clerk magistrate or judicial
20 administrator.

21 Sec. 30. Section 25-1635, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

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

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

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

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

19 ~~25-1640~~ Any person who is summoned to serve on jury duty shall not
20 be subject to discharge from employment, loss of pay, loss of sick leave,
21 loss of vacation time, or any other form of penalty, as a result of his
22 or her absence from employment due to such jury duty, upon giving
23 reasonable notice to his or her employer of such summons. Any person who
24 is summoned to serve on jury duty shall be excused upon request from any
25 shift work for those days required to serve as a juror without loss of
26 pay. No employer shall subject an employee to discharge, loss of pay,
27 loss of sick leave, loss of vacation time, or any other form of penalty
28 on account of his or her absence from employment by reason of jury duty,
29 except that an employer may reduce the pay of an employee by an amount
30 equal to any compensation, other than expenses, paid by the court for
31 jury duty. Any person violating ~~the provisions of~~ this section shall be

1 guilty of a Class IV misdemeanor.

2 Sec. 32. Section 25-1611, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 ~~25-1611 Any person summoned for jury service who fails to appear or~~
5 ~~to complete jury service as directed shall be ordered by the court to~~
6 ~~appear forthwith and show cause for such failure to comply with the~~
7 ~~summons. If such person fails to show good cause for noncompliance with~~
8 ~~the summons he or she shall be guilty of contempt of court.~~

9 If any jury commissioner or deputy jury commissioner, sheriff or
10 deputy sheriff, or person having charge of election records, neglects or
11 fails to perform the duties imposed by the Jury Selection Act sections
12 ~~25-1601 to 25-1639~~, the person so offending shall be considered guilty of
13 contempt of court.

14 Sec. 33. Section 25-1630, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~25-1630~~ If any person places a name or asks to have a name placed
17 on any list of potential jurors for service on any grand or petit jury in
18 a manner not authorized by the Jury Selection Act, such person ~~The jury~~
19 ~~commissioner shall, immediately after making such revised list of petit~~
20 ~~jurors, write the name of each person remaining upon the list upon a~~
21 ~~separate ticket, and place all the tickets thus remaining in the box or~~
22 ~~wheel to be kept for that purpose. The jury commissioner shall,~~
23 ~~immediately after making such list of grand jurors, write the name and~~
24 ~~address of each person upon the list upon a separate ticket, and place~~
25 ~~all the tickets in a separate box or wheel to be kept for that purpose~~
26 ~~until the next list of petit jurors is selected when those names~~
27 ~~remaining in the grand jury box shall have been destroyed and a new list~~
28 ~~of eighty names selected. If any person shall place or cause to be placed~~
29 ~~or ask to have placed in such box or wheel, any name of any person,~~
30 ~~except as provided in sections 25-1625 to 25-1637, he shall be guilty of~~
31 a Class IV felony.

1 Sec. 34. Section 25-1612, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~25-1612~~ (1) If a sheriff or other officer corruptly or through
4 favor or ill will, summons a juror with the intent that such juror shall
5 find a verdict for or against either party, or summons shall ~~summon~~ a
6 grand juror from like motives with the intent that such grand juror shall
7 or shall not find an indictment or presentment against any particular
8 individual, the sheriff or other officer ~~he~~ shall be fined not exceeding
9 five hundred dollars, shall ~~and~~ forfeit his or her office, and shall be
10 forever disqualified from holding any office in this state.

11 (2) Any person who seeks ~~shall~~ seek the position of juror, or who
12 asks ~~shall~~ ask any attorney or other officer of the court or any other
13 person or officer in any manner charged with the duty of selecting the
14 jury, to secure or procure his or her selection as a juror ~~juror~~ shall
15 be ~~deemed~~ guilty of a contempt of court, shall ~~and~~ be fined not exceeding
16 twenty dollars, and shall thereby be disqualified from serving as a juror
17 for that jury term.

18 (3) Any attorney or party to a suit pending for trial at that jury
19 term who requests ~~shall~~ request, or solicits ~~solicit~~ the placing of any
20 person upon a jury, or upon any the jury list of potential jurors for
21 service on any grand or petit jury, shall be ~~deemed~~ guilty of a contempt
22 of court and be fined not exceeding one hundred dollars, and the person
23 so sought to be put upon the jury or jury list, shall be disqualified to
24 serve as a juror for at that jury term ~~of the court~~.

25 Sec. 35. Section 25-1637, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~25-1637~~ (1) A party may move to stay the proceedings, to quash the
28 entire jury panel or jury list, or for other appropriate relief on the
29 ground of substantial failure to comply with the Jury Selection Act
30 ~~Chapter 25, article 16~~, in selecting the grand or petit jury. Such motion
31 shall be made within seven days after the moving party discovered or by

1 the exercise of diligence could have discovered the grounds for such
2 motion, and in any event before the petit jury is sworn to try the case.

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

16 (3) The procedures prescribed by this section are the exclusive
17 means by which the state, a person accused of a crime, or a party in a
18 civil case may challenge a jury on the ground that the jury was not
19 selected in conformity with the Jury Selection Act Chapter 25, article
20 16.

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

30 (5) Whenever the entire jury list panel is quashed, the court shall
31 make an order directing the jury commissioner to draw select a new key

1 number in the manner provided in section 10 of this act ~~25-1627~~ and
2 prepare a new master key ~~proposed juror~~ list in the manner provided in
3 section 11 of this act ~~25-1628~~. The jury commissioner shall ~~revise such~~
4 ~~list and~~ qualify and summon jurors from the new master key list as
5 provided in the Jury Selection Act ~~sections 25-1629 to 25-1630~~.

6 Sec. 36. Section 25-412.04, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

14 Sec. 37. Section 25-1107.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

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

25 Sec. 38. Section 25-1108, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 25-1108 Whenever, in the opinion of the court, it is proper for the
28 jury to have a view of property which is the subject of litigation, or of
29 the place in which any material fact occurred, it may order them to be
30 conducted in a body, under charge of the bailiff ~~an officer~~, to the
31 place, which shall be shown to them by the bailiff, an individual some

1 ~~person~~ appointed by the court for that purpose, or both. While the jury
2 are thus absent, no person other than the bailiff or individual ~~person~~ so
3 appointed shall speak to them on any subject connected with the trial.

4 Sec. 39. Section 25-1313, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 25-1313 When a trial by jury has been had, judgment must be ordered
7 ~~rendered~~ by the court and entered upon the record ~~by the clerk~~ in
8 conformity to the verdict, unless it is special, or the court orders
9 ~~order~~ the case to be reserved for future argument or consideration.

10 Sec. 40. Section 28-916, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-916 As used in sections 28-916 to 28-923, unless the context
13 otherwise requires:

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

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

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

28 Sec. 41. Section 29-1201, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 29-1201 Any person held in jail charged with an indictable offense
31 shall be discharged if he or she is ~~be~~ not indicted at the term of court

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

11 Sec. 42. Section 29-2003, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 29-2003 When two or more persons ~~shall~~ have been charged together in
14 the same indictment or information with a crime, and one or more ~~shall~~
15 have demanded a separate trial and had the same, and when the court is
16 ~~shall be~~ satisfied by reason of the same evidence being required in the
17 further trial of parties to the same indictment or information, that the
18 petit jurors from the jury regular panel and bystanders are incompetent,
19 because of having heard the evidence, to sit in further causes in the
20 same indictment or information, then ~~it shall be lawful for the court may~~
21 ~~to~~ require the jury commissioner clerk of the court to draw in the same
22 manner as described in section 13 of this act such number of names as the
23 court may direct as a separate jury panel from which a jury may be
24 selected, which panel shall be notified and summoned for the day and hour
25 as ordered by the court write the names of sixty electors of the county
26 ~~wherein such cause is being tried, each upon a separate slip of paper,~~
27 ~~and place the same in a box, and, after the same shall have been~~
28 ~~thoroughly mixed, to draw therefrom such number as in the opinion of the~~
29 ~~court will be sufficient from which to select a jury to hear such cause.~~
30 The jurors ~~electors~~ whose names are so drawn shall be summoned ~~by the~~
31 ~~sheriff~~ to forthwith appear before the court, and, after having been

1 examined, such as are found qualified competent and shall have no lawful
2 excuse for not serving as jurors shall constitute a special venire from
3 which the court shall proceed to have a jury impaneled for the trial of
4 the cause. The court may repeat the exercise of this power until all the
5 parties charged in the same indictment or information shall have been
6 tried.

7 Sec. 43. Section 29-2011, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 29-2011 Jurors shall be permitted, but not required, to take notes.
10 The notes may be used during the jury's deliberations and ~~, but not~~
11 ~~preserved for review on appeal.~~ The notes shall be treated as
12 confidential between the juror making them and the other jurors. The
13 trial judge shall ensure the confidentiality of the notes during the
14 course of the trial and the jury's deliberations and shall instruct the
15 bailiff to cause the notes to be destroyed immediately mutilate and
16 destroy such notes upon return of the verdict.

17 Sec. 44. Section 29-2017, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-2017 Whenever in the opinion of the court it is proper for the
20 jury to have a view of the place in which any material fact occurred, it
21 may order them to be conducted in a body, under charge of the bailiff
22 sheriff, to the place which shall be shown to them by the bailiff, an
23 individual ~~some person~~ appointed by the court, or both. While the jury
24 are thus absent, no person other than the bailiff or individual appointed
25 by the court ~~sheriff having them in charge and the person appointed to~~
26 ~~show them the place~~ shall speak to them on any subject connected with the
27 trial.

28 Sec. 45. Section 29-2023, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 29-2023 In case a jury is ~~shall be~~ discharged on account of sickness
31 of a juror, or other accident or calamity requiring their discharge, or

1 after they have been kept so long together that there is no probability
2 of agreeing, the court shall, upon directing the discharge, order that
3 the reasons for such discharge ~~shall~~ be entered upon the record and such
4 discharge shall be without prejudice to the prosecution.

5 Sec. 46. Section 33-138, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 33-138 (1) Each member of a grand or petit jury in a district court
8 or county court shall receive for his or her services thirty-five ~~thirty~~
9 dollars for each day employed in the discharge of his or her duties ~~prior~~
10 ~~to January 1, 1994, and thirty-five dollars for each such day on or after~~
11 ~~such date~~ and mileage at the rate provided in section 81-1176 for each
12 mile necessarily traveled. No juror is ~~shall~~ be entitled to pay for the
13 days he or she is voluntarily absent or excused from service by order of
14 the court. No juror is ~~shall~~ be entitled to pay for nonjudicial days
15 unless actually employed in the discharge of his or her duties as a juror
16 on such days.

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

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

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

25 Sec. 47. This act becomes operative on January 1, 2020.

26 Sec. 48. Original sections 25-412.04, 25-1107.01, 25-1108, 25-1313,
27 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611,
28 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01,
29 25-1629.02, 25-1630, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633,
30 25-1634, 25-1634.01, 25-1634.02, 25-1636, 25-1637, 25-1639, 25-1640,
31 25-1641, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 33-138, Reissue

1 Revised Statutes of Nebraska, and sections 25-1635 and 29-2023, Revised
2 Statutes Cumulative Supplement, 2018, are repealed.

3 Sec. 49. The following sections are outright repealed: Sections
4 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1633.01,
5 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.