

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 76

Introduced by Hansen, M., 26; Cavanaugh, J., 9.

PURPOSE: The purpose of this resolution is to complete a comprehensive interim study of court fees as a funding source for the court system and the judicial branch. Nebraska assesses fees as part of the court costs for most, if not all, civil and criminal cases, including those related to traffic citations. Nebraska is not alone in imposing court fees, as other states also assess court fees as a revenue source. Most of the court fees imposed go to fund the court system, including, but not limited to, funds dedicated to automation costs of the court computer system and to the judges' retirement fund. However, some court costs are earmarked for other state agencies that work with the court system. Nebraska law does provide for the waiver of court costs in certain circumstances due to indigent status or for the discharge of costs that are deemed uncollectible due to the financial inability to pay. In some instances court costs are also paid to the state by counties or cities.

The study shall examine:

(1) Whether fees should be assessed on all cases or only certain types of cases;

(2) How court costs and fees in Nebraska compare to other states;

(3) Whether court fees are an appropriate or effective means of providing funds for the court system or other agencies;

(4) Whether the current waiver or discharge provisions for court fees are adequate to protect indigent or poor individuals and whether any reform is necessary; and

(5) How much political subdivisions pay in court fees and whether any adjustment should be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH

LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.