

LEGISLATIVE BILL 83

Approved by the Governor May 25, 2001

Introduced by Brashear, 4

AN ACT relating to criminal procedure; to amend sections 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to the collection and assessment of certain county court costs; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-2704, Reissue Revised Statutes of Nebraska, is amended to read:

29-2704. Upon examination in county court on complaint of a felony, whether the accused ~~be~~ is held to answer in court or discharged, the court may file with the county clerk a certified transcript of the costs as assessed under section 29-2709, giving the items of the same, and to whom each is due, and on what account. As early as may be after the filing of such bill, but without assembling for the special purpose, the county board of the proper county shall examine into such bill of costs as to its correctness, justice, and legality and may, if need be, examine under oath any person upon the subject, which oath may be administered by the county clerk.

It shall be the duty of the board to disallow any item, in whole or in part, of such bill that ~~shall be~~ is found to be unlawful or needlessly incurred, or, if it ~~shall appear~~ appears that the complaint was made for a felony when it should have been for a misdemeanor only, it may in its discretion disallow the entire bill or any part thereof.

The board may order that such bill, or so much thereof as it finds to be lawful and just, be paid from the county treasury, whereupon the county clerk shall draw warrants upon the county treasurer for the sums respectively due to each person upon such bill so allowed, which warrants the treasurer shall pay from the county general fund. The amount of costs so allowed shall be certified by the county clerk, and the certificate filed with the papers in the cause, in the office of the clerk of the district court. If the defendant shall be convicted, judgment shall be rendered against him or her for the costs so allowed, in addition to the costs made in the district court.

Sec. 2. Section 29-2709, Reissue Revised Statutes of Nebraska, is amended to read:

29-2709. When any costs in misdemeanor, traffic, felony preliminary, or juvenile cases in county court, except for those costs provided for in subsection (3) of section 24-703 and section 33-107.01, are found by a county judge to be uncollectible for any reason, including the dismissal of the case, such costs shall be deemed waived unless the judge, in his or her discretion, may enter enters an order waiving assessing such portion of the costs as by law would be paid over by the court to the State Treasurer ~~as follows~~:

(1) In all cases brought by or with the consent of the county attorney, all such uncollectible costs ~~not waived~~ shall be certified by the clerk of the court to the county clerk who shall present the bills therefor to the county board. The county board shall pay from the county general fund all such bills found by the board to be lawful; and

(2) ~~+~~ In all cases brought under city or village ordinance, all such uncollectible costs ~~not waived~~ shall be certified to the appropriate city or village officer authorized to receive claims who shall present the bills therefor to the governing body of the city or village in the same manner as other claims. Such governing body shall pay from the general fund of the city or village all such bills as are found to be lawful.

Sec. 3. Original sections 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska, are repealed.