



**Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 453**

Hearing Date: 2/14/2001
Committee On: Judiciary

Introducers: (Hilgert)
Title: Adopt the Attorney-Client Conference Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Senators Bourne, Brashear, Connealy, Pedersen, Robak, Tyson
	No	
	Present, not voting	
2	Absent	Senators Baker, Chambers

Proponents:
Senator John Hilgert
Mary Buckley
Jennifer Gilg
Bob Creager
Timothy Butz
John Lindsey
Jeanelle Kleveland
Bill Mueller

Representing:
Introducer
Nebraska Criminal Defense Attorneys Assoc.
Nebraska Criminal Defense Attorneys Assoc.
Nebraska Criminal Defense Attorneys Assoc.
ACLU Nebraska
Nebraska Association of Trial Attorneys
Self
Nebraska State Bar Association

Opponents:
Rick Boucher
Frank Hopkins

Representing:
Nebraska Sheriffs Association
Nebraska Department of Corrections

Neutral:
Jack Cheloha

Representing:
City of Omaha, Public Building Commission

Summary of purpose and/or changes:

LB 453 would create the Attorney-Client Conference Act (Act).

The purpose of the Act is to prevent the searching of attorneys in correctional settings. The Act's operative terms: attorney, client, contraband, and probable cause, are defined in the bill.

A correctional officer would be subject to a Class I misdemeanor if he or she searched an attorney entering a facility without probable cause that the attorney was in possession of contraband. The correctional officer would also be subject to civil liability and sanctions.

The Supreme Court is given the authority to adopt rules and regulations to implement the Act.

Explanation of amendments, if any:

The Committee Amendments limit the definition of a "search" of an attorney by deleting use of a magnetic or electronic "scanning" device from the definition of "search".

The Amendments also clarifies that persons, state agencies, or political subdivisions may be subject to liability for violating the terms of the Act.

Finally, the Amendment provides that the Department of Correctional Services may adopt and promulgate rules to implement the Act. In its original form, the bill gave the Supreme Court such authority.

Senator Kermit A. Brashear, Chairperson