

LEGISLATIVE BILL 610

Approved by the Governor April 30, 2003

Introduced by Chambers, 11

AN ACT relating to indigent defendants; to amend section 29-3904, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of other counsel; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-3904, Reissue Revised Statutes of Nebraska, is amended to read:

29-3904. (1) Nothing in sections 23-3402, 29-3902, and 29-3903 shall prevent any judge from appointing counsel other than the public defender or other substitute counsel when the public defender or counsel initially appointed might otherwise be required to represent conflicting interests or for other good cause shown, from not appointing any counsel for any indigent felony defendant who expressly waives his or her right to such counsel at any stage of felony proceedings, or from appointing the public defender or other counsel as may be required or permitted by other applicable law.

(2) In selecting counsel to represent an indigent felony defendant, the prosecuting attorney shall not have any role whatsoever in the selection or appointment process of the counsel by the court, including, but not limited to, any individual appointment suggestions.

Sec. 2. Original section 29-3904, Reissue Revised Statutes of Nebraska, is repealed.