

ONE HUNDRED FIFTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 151**

Introduced by Pansing Brooks, 28; Chambers, 11; Ebke, 32; Hilgers, 21; Krist, 10.

Read first time May 09, 2017

Committee: Judiciary

WHEREAS, in 1964, Gerald Gault, a 15-year-old boy, was taken into police custody without his parents being notified; was never advised of his constitutional rights, including his right to appointed counsel; and was ordered to spend nearly six years in a state youth correctional agency for allegedly making a prank call, a charge never proven by constitutionally mandated standards; and

WHEREAS, on May 15, 1967, the U.S. Supreme Court announced its decision in *In re Gault*, 387 U.S. 1, finding that the constitutional guarantees of due process apply whenever children are brought before a juvenile court; and

WHEREAS, children brought before a juvenile court on delinquency or status charges are entitled to legal representation, because, as the U.S. Supreme Court found, a child "requires the guiding hand of counsel at every step in the proceedings against him"; and

WHEREAS, children brought before a juvenile court on delinquency or status charges are entitled to a timely notification of the charges against them; and

WHEREAS, children brought before a juvenile court on delinquency or status charges have the right to be protected against self-incrimination; and

WHEREAS, children brought before a juvenile court on delinquency or status charges have the right to question witnesses; and

WHEREAS, children who are our most vulnerable defendants are also our most valuable assets; and

WHEREAS, the year 2017 marks the 50th anniversary of the U.S. Supreme Court's landmark decision of *In re Gault*.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the important legacy of the In re Gault decision is acknowledged.
2. That the necessity of providing due process protections for all children accused of a crime or status offense in Nebraska is recognized.
3. That all people of Nebraska are encouraged to recognize and honor the 50th anniversary of the Gault decision.
4. That the Legislature supports the improvement of the juvenile justice system in a manner that appreciates the unique nature of childhood and adolescence.
5. That the Legislature pledges itself to acknowledge and redress disparities in representation, due process, and decision making in the juvenile courts that remain for children 50 years after the Gault decision.