

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB231**

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**Hearing Date:** Wednesday March 06, 2019  
**Committee On:** Judiciary  
**Introducer:** Pansing Brooks  
**One Liner:** Change provisions relating to legal defense of juveniles

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

<b>Aye:</b>	6	Senators Brandt, Chambers, Lathrop, Morfeld, Pansing Brooks, Wayne
<b>Nay:</b>		
<b>Absent:</b>	1	Senator DeBoer
<b>Present Not Voting:</b>	1	Senator Slama

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**Oral Testimony:**

**Proponents:**

Senator Patty Pansing Brooks  
Juliet Summers  
Patrick McDermott  
Eve Brank  
J. Scott Paul  
Jennifer Houlden  
Kim Hawekotte  
Spike Eickholt

**Representing:**

Introducer  
Voices for Children in Nebraska  
National Counsel of Juvenile & Family Court Judges  
self  
Nebraska State Bar Association  
Nebraska Criminal Defense Attorneys Association  
Foster Care Review Board  
ACLU of Nebraska

**Opponents:**

**Representing:**

**Neutral:**

Jon Cannon

**Representing:**

Nebraska Association of County Officials

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**Summary of purpose and/or changes:**

LB 231 creates the Juvenile Indigent Defense Fund within the Commission on Public Advocacy to provide a grant program for legal counsel for indigent juveniles. The Defense Fund is funded through a \$1 fee that is added to other court costs including appeals. The bill also eliminates current provisions that distinguish between counties over and under 150,000.

Section 1 Creates the Juvenile Indigent Defense Fund administered by the Commission on Public Advocacy. The purpose is to provide for legal counsel for indigent juveniles through a grant program for the counties. Monies in the fund are invested by the state investment officer.

Section 2 Creates a separate budgetary program within the Commission on Public Advocacy titled the Juvenile Indigent Defense Grant Program and the Commission shall establish rules and regulations for the program. Counties can apply for the grants beginning November 1, 2020 and have to show that juvenile court costs have increased in the previous fiscal year due to the adoption of the bill. Counties receiving grants report annually to the Commission and the Commission reports to the Legislature by November 1, 2021 and annually thereafter.

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Section 3 Amends section 29-2709 to add the juvenile indigent defense fee to other fees that a judge may waive if uncollectible.

Section 4 New section that adds a one dollar fee for the Juvenile Indigent Defense Fund to other court costs including appeals.

Section 5 Amends section 43-272 to combine provisions for both counties above 150,000 and below. Provides an exception to appointment of counsel for pretrial diversion. Requires Supreme Court to periodically review and maintain standards for guardians ad litem and attorneys practicing in juvenile court.

Section 6 Amends section 43-3102 describing a juvenile's ability to waive counsel, by inserting new subsection (6) that provides that the juvenile may rescind the waiver of counsel and that at each subsequent hearing, the court shall inform the juvenile of their right to rescind the waiver of counsel.

Section 7 Operative date of October 15, 2019

Section 8 Repeals original sections

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Steve Lathrop, Chairperson