

April 5, 1982

LB 568

SENATOR LAMB: We are not adjourned. The next amendment, Mr. Clerk.

CLERK: Mr. President, the next amendment I have is offered by Senator Chambers. This is the one, Senator, "Each person charged with a Class I or IA Felony who is not able to afford legal counsel shall be..."

SENATOR CHAMBERS: I am going to try that and I will support the bill if this amendment is offered and I don't want any of you to think that Senator Hoagland was correct when he said it deals with counsel for DWI, people who are charged with DWI. Class I and Class IA felonies result in a death or a life sentence. My feeling is that if a person is charged with one of these offenses and cannot afford legal counsel, then counsel ought to be provided for such a person and the really significant part of the amendment is that that person should have had at least five years prior experience in the practice of criminal law. So I will read for you precisely what the language is. It amends Section 28-105, and this is the language, "Each person charged with a Class I or IA Felony who is not able to afford legal counsel shall be provided with court appointed counsel having no less than five years of prior experience in the active practice of criminal law." Counsel is provided now but there is no requirement in terms of the amount of experience. So that is what the amendment is. You may not see any connection between it and drunk driving but I think because of the nature of the issue that we are dealing with, it is significant and I ask that you adopt this amendment.

SENATOR LAMB: Senator Landis, for what purpose do you rise?

SENATOR LANDIS: I rise to object to the amendment as being not germane to the body of LB 568.

SENATOR LAMB: Would you care to expand on that a trifle?

SENATOR LANDIS: We have used the same Chapter as a principle in the past although that is far too mechanical a mechanism to decide the germaneness I think of issues. In the first place as an argument, I would point out that there is no connection between the use of legal counsel for Class I felonies and the question of DWI with respect to anything less than its third conviction. Secondly, it seems clear that in the newspapers and elsewhere the intention for which the purpose of the amendment is made is quite clear and that is to bring the legislative process to a halt. And in this case I think the combination of those two have to be seen as making this amendment not in any way germane to the stated and the avowed purpose of LB 568.

10155