

SENATOR WARNER: Mr. President, members of the Legislature, I'm going to make the explanation fairly brief and allow Senator Kristensen to continue. There's a number of amendments to the committee amendments. It will probably expedite things. What the committee amendments do and the bill deals with the indigent legal defense in counties across the state, but the bill as introduced had this activity housed in the Department of Revenue. The committee amendment puts it as a freestanding operation and, secondly, the bill as introduced required county participation with a provision in the committee amendment that any county could opt out if they did not wish to participate prior to January 1 of 1996 and then it also allowed a county to reconsider if they chose to do so later. With that brief explanation, because the amendments that are offered will change some of this. I'll yield the balance of the opening to Senator Kristensen.

SPEAKER WITHEM: Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members of the Legislature, perhaps the best way to begin this discussion is that the concepts that are going to be involved here, and these concepts are that of indigent defense. What is indigent defense? An indigent defense deals with people who are accused of a crime who, by constitutional requirement, through Gideon v. Wainwright back in the early 1960s, through a case called Argersinger that applied it to misdemeanors and so on has the following concept, that if you're accused of a crime that has the possibility of imprisonment, you are entitled to defense, legal representation against the state or whoever is bringing the charges against you. If you cannot afford that and the standard is set out in this state, basically, if you would jeopardize your financial being, that of your family or yourself, and you do not have sufficient funds to pay for your own representation, then by constitutional requirement, an attorney shall be provided for you and as usually said, at the state expense, but that's not what happens. The county pays for this. Nebraska is one of six states which does not have any state funding towards the representation of indigent people in criminal defense matters. LB 464 begins to address this in two different ways. The State of Nebraska had an extensive task force study that dealt with legal representation and indigent defense costs and they have a rather extensive report that was done in 1993, in December of '93. I have a copy of it here if you'd like to look at it. We have several other copies, in