

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB908

Hearing Date: Wednesday January 18, 2012
Committee On: Judiciary
Introducer: Lautenbaugh
One Liner: Change the disposition of indigent defense court fees

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 5 Senators Ashford, Harr, Larson, Lathrop, Lautenbaugh
Nay:
Absent:
Present Not Voting: 3 Senators Coash, Council, McGill

Proponents:
SEN. SCOTT LAUTENBAUGH
DANIEL STOCKMAN
RICK KUBAT

Representing:
INTRODUCER
DOUGLAS COUNTY
DOUGLAS COUNTY

Opponents:
JAMES MOWBRAY
JOE NIGRO
ELAINE MENZEL
WARREN WHITTED

Representing:
NCPA
LANCASTER COUNTY PUBLIC DEFENDER
NACO
NE STATE BAR

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 908 would provide that the three dollar indigent defense court fee assessed in Douglas County be remitted back to Douglas County to a county fund for indigent defense services. Currently, the three dollar court fee is assessed statewide and is credited to the Commission on Public Advocacy Operations Cash Fund. The Commission was created to provide legal services and resources to assist counties in fulfilling their obligation to provide for effective assistance of counsel for indigent persons.

There is an emergency clause attached to this bill.

Explanation of amendments:

Committee Amendment AM 2319 would replace the provisions in the green copy of the bill. The amendment would add a new subsection to statute section 29-3921, which established the Commission on Public Advocacy Operations Cash Fund. The new subsection would provide a procedure for a portion of the indigent defense fees assessed in Douglas County be transferred back to Douglas County to pay for indigent defense services. On or before July 15 each year for the next five years, the State Court Administrator must certify to the State Treasurer the number of court filings in Douglas County in which the three dollar indigent defense fee was paid during the prior fiscal year. The State Treasurer must multiply the number of certified filings by \$1.50 and transfer that amount from the Commission on Public Advocacy

Operations Cash Fund to the Douglas County Treasurer for credit to Douglas County Indigent Defense Services Fund, which must be created under this bill and must be used to fund all indigent defense services. The transfer must be made on September 1 or as soon thereafter as administratively possible.

There is an emergency clause in the amendment.

Brad Ashford, Chairperson