

AMENDMENTS TO LB158

(Amendments to Standing Committee amendments, AM145)

Introduced by Pansing Brooks, 28.

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Section 1. The Juvenile Indigent Defense Fund is created. The fund  
4 shall be administered by the Commission on Public Advocacy and shall only  
5 be used to provide legal services to juveniles in juvenile court and  
6 provide resources to assist counties in fulfilling their obligation to  
7 provide for effective assistance of legal counsel for indigent juveniles.  
8 The commission shall distribute money in the fund periodically in the  
9 form of grants to counties under the Juvenile Indigent Defense Grant  
10 Program as provided by the commission's rules and regulations. Any money  
11 in the fund available for investment shall be invested by the state  
12 investment officer pursuant to the Nebraska Capital Expansion Act and the  
13 Nebraska State Funds Investment Act.

14 Sec. 2. (1) There is created a separate and distinct budgetary  
15 program within the Commission on Public Advocacy to be known as the  
16 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent  
17 Defense Fund shall be used to provide grants to counties to help offset  
18 the cost of providing legal counsel for indigent juveniles and for the  
19 administrative costs of the commission.

20 (2)(a) A county may apply for a grant under the program beginning  
21 September 15, 2019.

22 (b) To be eligible for a grant under the program, a county shall  
23 demonstrate to the commission that, after the operative date of this act,  
24 the county's per capita juvenile court costs have increased, as compared  
25 to such county's per capita juvenile court costs for the preceding three  
26 fiscal years. The county shall provide the commission with data showing

1 that such increase in costs was due to the implementation of this  
2 legislative bill and pinpointing the factors contributing to such  
3 increase.

4 (c) Funds provided to counties under the program shall be used  
5 exclusively to provide legal counsel for indigent juveniles.

6 (3) Any county receiving a grant under the program shall annually  
7 submit information electronically to the commission as required by the  
8 commission's rules and regulations. Such information shall include, but  
9 not be limited to, the number of juveniles that received legal  
10 representation as a result of this legislative bill and the reason or  
11 reasons for not otherwise providing legal representation.

12 (4) On or before October 1, 2020, and each October 1 thereafter, the  
13 commission shall electronically submit a report to the Legislature  
14 concerning the distribution and use of funds for grants provided under  
15 the program. The report shall include, but not be limited to, the  
16 information described in subsection (3) of this section.

17 (5) The commission shall adopt and promulgate rules and regulations  
18 as necessary to implement this section and section 1 of this act.

19 Sec. 3. Section 29-2709, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 29-2709 When any costs in misdemeanor, traffic, felony preliminary,  
22 or juvenile cases in county court, except for those costs provided for in  
23 subsection (3) of section 24-703, two dollars of the fee provided in  
24 section 33-107.01, the court automation fee provided in section  
25 33-107.03, the juvenile indigent defense fee provided in section 4 of  
26 this act, and the uniform data analysis fee provided in section 47-633,  
27 are found by a county judge to be uncollectible for any reason, including  
28 the dismissal of the case, such costs shall be deemed waived unless the  
29 judge, in his or her discretion, enters an order assessing such portion  
30 of the costs as by law would be paid over by the court to the State  
31 Treasurer as follows:

1           (1) In all cases brought by or with the consent of the county  
2 attorney, all such uncollectible costs shall be certified by the clerk of  
3 the court to the county clerk who shall present the bills therefor to the  
4 county board. The county board shall pay from the county general fund all  
5 such bills found by the board to be lawful; and

6           (2) In all cases brought under city or village ordinance, all such  
7 uncollectible costs shall be certified to the appropriate city or village  
8 officer authorized to receive claims who shall present the bills therefor  
9 to the governing body of the city or village in the same manner as other  
10 claims. Such governing body shall pay from the general fund of the city  
11 or village all such bills as are found to be lawful.

12           Sec. 4. In addition to all other court costs assessed according to  
13 law, a juvenile indigent defense fee of one dollar shall be assessed as  
14 costs for each case filed in each county court, separate juvenile court,  
15 and district court, including appeals to such courts, and for each appeal  
16 and original action filed in the Court of Appeals and the Supreme Court.  
17 The fees shall be remitted to the State Treasurer on forms prescribed by  
18 the State Treasurer within ten days after the end of each month. The  
19 State Treasurer shall credit the fees to the Juvenile Indigent Defense  
20 Fund.

21           Sec. 7. This act becomes operative on September 15, 2018.

22           4. Renumber the remaining sections and amend the repealer  
23 accordingly.

24           5. Renumber the remaining amendments accordingly.