

**ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB307**

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**Hearing Date:** Thursday January 28, 2021  
**Committee On:** Judiciary  
**Introducer:** Pansing Brooks  
**One Liner:** Change provisions relating to appointment of counsel for juveniles

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Brandt, DeBoer, Lathrop, McKinney, Morfeld, Pansing Brooks
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	2	Senators Geist, Slama

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**Oral Testimony:**

**Proponents:**

Senator Patty Pansing Brooks  
Jennifer Houlden

**Representing:**

Introducer  
Lancaster County Public Defenders Office

**Opponents:**

Bri McLarty  
Elaine Menzel

**Representing:**

Nebraska County Attorneys Association  
Nebraska Association of County Officials

**Neutral:**

**Representing:**

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**Submitted Written Testimony:**

**Proponents:**

Spike Eickholt  
Julie Erickson

**Representing:**

ACLU of Nebraska  
Voices for Children

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

A juvenile has the right to legal counsel in a juvenile court proceeding. A juvenile has the right to waive their right to counsel. Under Sec. 43-3102, such waivers must be made in open court, recorded, and confirmed in writing. The court must also be satisfied that the waiver is made intelligently, voluntarily, and understandingly.

LB307 would amend Sec. 43-3102 to further provide that a court shall not accept a waiver of counsel unless the prosecutor waives out-of-home placement of the juvenile. If the court accepts the waiver, court and probation orders shall reflect that

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the juvenile cannot be removed from the home. The prosecutor would be permitted to withdraw their waiver prior to adjudication.

The bill would also require the Supreme Court to provide before July 1, 2022 by rule for a process to provide juveniles the opportunity to consult with counsel to assist the juvenile in making the decision to waive counsel.

The bill would also add a prohibition on waiver of counsel in situations in which the juvenile adjudication could be used to enhance or sustain a later adult criminal proceeding.

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**Explanation of amendments:**

AM273 would delete the requirement that the prosecutor waive out-of-home placement.

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Steve Lathrop, Chairperson