

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, to
6 provide resources to assist counties in fulfilling their obligation to
7 provide for effective assistance of legal counsel for indigent juveniles,
8 and to pay the costs of administering the Juvenile Indigent Defense Grant
9 Program. The commission shall distribute money in the fund periodically
10 in the form of grants to counties under such program as provided by the
11 commission's rules and regulations. Any money in the fund available for
12 investment shall be invested by the state investment officer pursuant to
13 the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act. Interest earned shall be credited back to the fund.

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

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

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

1 fiscal years. The county shall provide the commission with data showing
2 that such increase in costs was due to the implementation of this
3 legislative bill and pinpointing the factors contributing to such
4 increase.

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

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

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.