

## LEGISLATIVE BILL 652

Approved by the Governor May 4, 1993

Introduced by Hall, 7; Landis, 46; Chambers, 11

AN ACT relating to persons in custody; to amend sections 29-3002 and 29-3004, Revised Statutes Supplement, 1992; to provide for consultation with an attorney as prescribed; to change provisions relating to postconviction relief; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. All law enforcement personnel or other governmental officials having custody of any person under eighteen years of age who has been arrested, restrained, detained, or deprived of his or her liberty for whatever reason shall permit the person in custody, without unnecessary delay after arrival at a police station or detention facility, to call or consult an attorney who is retained by or on behalf of such person in custody or whom the person in custody may desire to consult, except when exigent circumstances exist. An attorney shall be permitted to see and consult with the person in custody alone and in private at the place of custody.

Sec. 2. That section 29-3002, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3002. ~~An order sustaining or overruling a motion filed under section 29-3001~~ sections 29-3001 to 29-3004 shall be deemed to be a final judgment, and an appeal may be taken from the district court as provided for in appeals in civil cases. A prisoner may, in the discretion of the appellate court and upon application to the appellate court, be released on such recognizance as the appellate court fixes pending the determination of the appeal.

Sec. 3. That section 29-3004, Revised Statutes Supplement, 1992, be amended to read as follows:

29-3004. The district court may appoint not to exceed two attorneys to represent the prisoners in all proceedings under sections 29-3001 to 29-3004. The district court, upon hearing the application, shall fix reasonable expenses and fees, and the county board shall allow payment to the attorney or attorneys in the full amount determined by the court. The attorney or attorneys shall be competent and shall provide effective counsel.

Sec. 4. That original sections 29-3002 and 29-3004, Revised Statutes Supplement, 1992, are repealed.