

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 308

Introduced by Pansing Brooks, 28.

Read first time January 12, 2021

Committee:

- 1 A BILL FOR AN ACT relating to juveniles; to amend section 29-2709,
- 2 Reissue Revised Statutes of Nebraska; to create a fund; to provide
- 3 for grants to offset the cost to counties of providing legal counsel
- 4 for indigent juveniles; to require reports; to require a juvenile
- 5 indigent defense filing fee; to harmonize provisions; to provide an
- 6 operative date; and to repeal the original section.
- 7 Be it enacted by the people of the State of Nebraska,

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

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

19 (2)(a) A county may apply for a grant under the program beginning
20 October 15, 2022.

21 (b) Funds provided to counties under the program shall be used
22 exclusively to provide legal counsel for indigent juveniles.

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

28 (4) On or before November 1, 2023, and each November 1 thereafter,
29 the commission shall electronically submit a report to the Legislature
30 concerning the distribution and use of funds from grants provided under
31 the program. The report shall include, but not be limited to, the

1 information described in subsection (3) of this section.

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

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

6 29-2709 When any costs in misdemeanor, traffic, felony preliminary,
7 or juvenile cases in county court, except for those costs provided for in
8 subsection (3) of section 24-703, two dollars of the fee provided in
9 section 33-107.01, the court automation fee provided in section
10 33-107.03, the juvenile indigent defense fee provided in section 4 of
11 this act, and the uniform data analysis fee provided in section 47-633,
12 are found by a county judge to be uncollectible for any reason, including
13 the dismissal of the case, such costs shall be deemed waived unless the
14 judge, in his or her discretion, enters an order assessing such portion
15 of the costs as by law would be paid over by the court to the State
16 Treasurer as follows:

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

22 (2) In all cases brought under city or village ordinance, all such
23 uncollectible costs shall be certified to the appropriate city or village
24 officer authorized to receive claims who shall present the bills therefor
25 to the governing body of the city or village in the same manner as other
26 claims. Such governing body shall pay from the general fund of the city
27 or village all such bills as are found to be lawful.

28 Sec. 4. In addition to all other court costs assessed according to
29 law, a juvenile indigent defense fee of one dollar shall be assessed as
30 costs for each case filed in each county court, separate juvenile court,
31 and district court, including appeals to such courts, and for each appeal

1 and original action filed in the Court of Appeals and the Supreme Court.
2 The fees shall be remitted to the State Treasurer on forms prescribed by
3 the State Treasurer within ten days after the end of each month. The
4 State Treasurer shall credit the fees to the Juvenile Indigent Defense
5 Fund.

6 Sec. 5. This act becomes operative on October 15, 2021.

7 Sec. 6. Original section 29-2709, Reissue Revised Statutes of
8 Nebraska, is repealed.