

AMENDMENTS TO LB27

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 29-2315.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           29-2315.02 If the application is be granted in cases where the court  
6 finds a defendant to be indigent, the trial court shall first contact the  
7 public defender or, in counties not having a public defender, an attorney  
8 licensed to practice law in this state, to inquire whether or not the  
9 public defender or attorney is able to accept the appointment appoint a  
10 lawyer to argue the case against the prosecuting attorney. If the public  
11 defender or the attorney declines the appointment because of a conflict  
12 of interest or is unable to accept the appointment, the court shall  
13 appoint another attorney. An attorney other than the public defender  
14 appointed under this section shall file an application for fees and  
15 expenses in the court which appointed such attorney for all fees and  
16 expenses reasonably necessary to permit such attorney to effectively and  
17 competently represent the defendant and to argue the case against the  
18 prosecuting attorney. Such fees and expenses shall , which lawyer shall  
19 receive for his services a fee not exceeding two hundred dollars, to be  
20 fixed by such court, and to be paid out of the treasury of the county in  
21 the full amount determined by the court. If the court does not find a  
22 defendant indigent and does not appoint the public defender or another  
23 attorney, the defendant may be represented by an attorney of the  
24 defendant's choice . For such purpose, the court may appoint the  
25 defendant's attorney, but if he is not appointed the defendant may in any  
26 event appear and participate through an attorney of his own choice.

27           Sec. 2. Section 29-2318, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       29-2318 When a notice is filed in cases where the court finds a  
3 defendant to be indigent, the trial court shall first contact the public  
4 defender or, in counties not having a public defender, an attorney  
5 licensed to practice law in this state, to inquire whether or not the  
6 public defender or attorney is able to accept the appointment appoint a  
7 lawyer to argue the case against the prosecuting attorney. If the public  
8 defender or the attorney declines the appointment because of a conflict  
9 of interest or is unable to accept the appointment, the court shall  
10 appoint another attorney. An attorney other than the public defender  
11 appointed under this section shall file an application for fees and  
12 expenses in the court which appointed such attorney for all fees and  
13 expenses reasonably necessary to permit such attorney to effectively and  
14 competently represent the defendant and to argue the case against the  
15 prosecuting attorney. Such fees and expenses shall , which lawyer shall  
16 receive for his or her services a fee not exceeding two hundred dollars  
17 to be fixed by the court and to be paid out of the treasury of the county  
18 in the full amount determined by the court. If the court does not find a  
19 defendant indigent and does not appoint the public defender or another  
20 The court may appoint the defendant's attorney, but if an attorney, is  
21 not appointed the defendant may be represented by an attorney of the  
22 defendant's his or her choice.

23       Sec. 3. Original sections 29-2315.02 and 29-2318, Reissue Revised  
24 Statutes of Nebraska, are repealed.