

AMENDMENTS TO LB 1105

(Amendments to Standing Committee amendments, AM2147)

Introduced by Council, 11.

1 1. Insert the following new sections:

2 Sec. 4. Section 29-3921, Reissue Revised Statutes of
3 Nebraska, as amended by section 16, Legislative Bill 3, One Hundred
4 First Legislature, First Special Session, 2009, is amended to read:

5 29-3921 The Commission on Public Advocacy Operations Cash
6 Fund is created. The fund shall be used for the operations of
7 the commission, except that transfers may be made from the fund
8 to the General Fund at the direction of the Legislature through
9 June 30, 2011. The Commission on Public Advocacy Operations Cash
10 Fund shall consist of money remitted pursuant to section 33-156.
11 It is the intent of the Legislature that the commission shall
12 be funded solely from the fund. Any money in the fund available
13 for investment shall be invested by the state investment officer
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.

16 The State Treasurer shall transfer two hundred fifty
17 thousand dollars from the Commission on Public Advocacy Operations
18 Cash Fund to the University Cash Fund within fifteen days after
19 May 1, 2008. Such funds shall be used for a study of the
20 juvenile legal defense and guardian ad litem systems utilizing
21 the University of Nebraska Public Policy Center to create,
22 administer, and review a Request for Proposals to select from

1 a national search a research consultant that is qualified to
2 provide a methodologically sound and objective assessment of
3 Nebraska's juvenile justice system. The assessment shall include:
4 (1) Gathering of general data and information about the structure
5 and funding mechanisms for juvenile legal defense and guardian ad
6 litem representation; (2) a review of caseloads; (3) examining
7 issues related to the timing of appointment of counsel and
8 guardians ad litem; (4) supervision of attorneys; (5) charging
9 and trying juveniles as adults; (6) frequency with which juveniles
10 waive their right to counsel and under what conditions they do
11 so; (7) allocation of resources; (8) adequacy of juvenile court
12 facilities; (9) compensation of attorneys; (10) supervising and
13 training of attorneys; (11) access to investigators, experts,
14 social workers, and support staff; (12) access to educational
15 officers, teachers, educational staff, and truancy officers; (13)
16 the relationship between a guardian ad litem, a juvenile's legal
17 counsel, and the judicial system with identified educational
18 staff regarding a juvenile's educational status; (14) examining
19 issues related to truancy and the relationship between the school
20 districts and the juvenile court system; (15) recidivism; (16) time
21 to permanency and time in court, especially when a guardian ad
22 litem is appointed; and (17) coordination of representation for
23 those juveniles that may have been appointed an attorney in a
24 juvenile delinquency matter and a guardian ad litem because of
25 abuse or neglect. The assessment shall also highlight promising
26 approaches and innovative practices within the state and offer
27 recommendations to improve weak areas.

1 The State Treasurer shall transfer up to fifty thousand
2 dollars from the Commission on Public Advocacy Operations Cash
3 Fund to the Community Corrections Uniform Data Analysis Cash Fund
4 in FY2010-11. The executive director of the Community Corrections
5 Council shall certify the exact amount of such transfer based upon
6 the actual costs of the study required to carry out the provisions
7 of this legislative bill.

8 Sec. 5. Original section 29-3921, Reissue Revised
9 Statutes of Nebraska, as amended by section 16, Legislative Bill
10 3, One Hundred First Legislature, First Special Session, 2009, is
11 repealed.