

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT**  
**LB27**

---

**Hearing Date:** Thursday February 02, 2023  
**Committee On:** Judiciary  
**Introducer:** Dungan  
**One Liner:** Change provisions relating to appointment of counsel for defendants

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

---

**Vote Results:**  
**Aye:** 8 Senators Blood, DeBoer, DeKay, Geist, Holdcroft, Ibach, McKinney, Wayne  
**Nay:**  
**Absent:**  
**Present Not Voting:**

---

**Testimony:**

**Proponents:**

Senator George Dungan  
Spike Eickholt  
Tim Hruza

**Representing:**

District 26  
Nebraska Criminal Defense Attorney Association  
Nebraska State Bar Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

---

**Summary of purpose and/or changes:**

LB27 amends Section 29-2318 to require a trial court to appoint the public defender when a defendant is indigent. If a county does not have a public defender or if the public defender declines the appointment due to a conflict of interest, another attorney must be appointed.

If an attorney other than the public defender is appointed, they shall file an application for fees and expenses with the court. These fees and expenses are paid by the county.

Defendants who are not indigent may be represented by an attorney of their choice.

---

**Explanation of amendments:**

Originally, LB27 only amended Section 29-2318 to require a trial court to appoint the public defender when a defendant is indigent and the prosecutor has filed an appeal with the District Court.

---

AM174 also amends Section 29-2315.02 to require a trial court to appoint the public defender when a defendant is indigent and the prosecutor has filed an appeal with the Court of Appeals/Supreme Court.

AM174 also adds language to allow the court to appoint an attorney other than the public defender anytime the public defender declines the appointment, not just when there is a conflict of interest.

---

Justin Wayne, Chairperson