

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 27**

Introduced by Dungan, 26.

Read first time January 05, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal procedure; to amend section  
2 29-2318, Reissue Revised Statutes of Nebraska; to provide for  
3 appointment of counsel for defendants; and to repeal the original  
4 section.

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

1 Section 1. Section 29-2318, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

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

22 Sec. 2. Original section 29-2318, Reissue Revised Statutes of  
23 Nebraska, is repealed.