

ONE HUNDRED FOURTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE RESOLUTION 576**

Introduced by Pansing Brooks, 28; Williams, 36.

PURPOSE: The purpose of this resolution is to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska. The study shall include an examination of the following:

(1) State and federal legislation and case law regarding the right to legal counsel in juvenile delinquency and status offense proceedings;

(2) Current data from the State Court Administrator regarding numbers and rates of juveniles requesting or waiving counsel, as well as any legislative history, research, studies, or special investigations regarding waiver of counsel in juvenile delinquency and status offense proceedings;

(3) Local court rules, practices, and procedures surrounding appointment of counsel and access to legal counsel in juvenile delinquency and status offense proceedings;

(4) Local diversion policies and practices, including requirements found in section 43-260.04 of the Nebraska statutes;

(5) A review of national policies, recommendations, and best practices for ensuring meaningful access to legal counsel for juveniles in both urban and rural environments; and

(6) A review of scientific evidence and research surrounding a youth's cognitive and linguistic development with an emphasis on developmental considerations surrounding waiver of counsel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.