

It would be to give the juveniles in the state of Nebraska a little more say as to where the trials should be heard and a little more say on the right of appeal and consideration in their trials. Now I'll tell you what the bill does. Basically it says that a county attorney shall still determine where a juvenile shall be heard whether it be in juvenile court or adult court. Then the juvenile can appeal if he is sent to adult court. To the judge that his case be heard before the juvenile. Therefore the judge has to make a ruling. So it involves two people at that time. Over the one, the juveniles now have a right to appeal. Also in here you will find a criteria that a county attorney will use to determine where the child is to be tried. After the appeal has been made if it has been made from adult court, then the judge will follow the same procedure and use the criteria set forth in this bill of trial for this juvenile. I think that basically set up what it does in broad terms Mel Camalore with the Attorney General's office has worked with this and if you will notice in your paper the committee statement, Miss Diana Bloss, the Deputy Lancaster County Attorney appeared in opposition to this bill, but through amendments I understand that she has withdrawn his or her objections, and don't hold me to that, but I understand that through the amendments that were added and some of the corrections that were made it has been done. Notice that the people that have talked for this bill the Judge from Beatrice was there, Jim Dunlevy, Mallyn Bates, Bob Rodelle and a whole group of people interested in juvenile trial procedures. This is a new thing, and this is a new plan. I hope that this group would see fit to give the juveniles a better chance in court. I move for its adoption.

SPEAKER: Senator F. Carstens.

SENATOR F. CARSTENS: Well the Barnett amendment is the bill now isn't it?

SPEAKER: That is correct, that is the way that I understand it.

SENATOR CARSTENS: Mr. President, members of the legislature, I have no objections actually to the basic concept of this bill, the only problem is that the bill just doesn't work. We have got a dual county court system in this state as a result of our court reform. I notice that all of the people that are for the bill are people in Lancaster County, including the Court Administrator who wrote the Court Reform Bill. Now in all of the rest of the 91 counties in the state we may have a county judge who is sitting as a juvenile judge who is just barely a highschool graduate or equivalent with no experience what-so-ever. Now this place, as I see it this place is in the hands of that county judge who will sit as juvenile judge and remove the jurisdiction away from the district court who may not actually is a juvenile judge in these districts, and he may then determine almost the guilt or innocence of the body before they decide where he is going to be prosecuted. I believe that the Nebraska Supreme Court in the last week or at least in the last two weeks come up with a decision that said that the decision by the county attorney to determine where a juvenile should be prosecuted was not improper or an abuse of the session or a... abuse of discretion or violation of any constitutional right. Now, I don't know what this is going