

March 21, 1979

LB 241, 373

SPEAKER MARVEL: The motion is carried and the amendments are adopted. Now, Senator Nichol, do you want to move the bill?

SENATOR NICHOL: Yes, Mr. Chairman. I move that LB 241 be advanced from General to E & R initial. This bill is the result also of the study of the Nebraska Bar Association. At the present time county courts and in some instances, municipal courts, handle preliminary hearings on felony matter. Present law provides that only the district courts may appoint counsel for indigent defendants. What this means is, that the county and the municipal courts must ask the district court to certify the appointment of an attorney for the defendant. It was stated in the committee hearing that the district court nearly always approves these requests. What we have here is additional paper work and a time delay in requiring the district court to approve the appointment of the counsel for the preliminary hearing held in the county or municipal court. This bill would remove the requirement of district court approval and allow county and municipal courts to make the appointment. It is a constitutional requirement that the defense counsel be appointed to indigent people. This is mandated by the U.S. Constitution. What this bill does is determine who is to appoint counsel for the defendant and it set up an oral procedure for doing so. I move that LB 241 be advanced to E & R initial.

SPEAKER MARVEL: You have heard the motion. All those in favor vote aye, opposed vote no. Have you all voted?
Record.

CLERK: 16 ayes, 0 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried and the bill is advanced. Now, Mr. Clerk, LB 373.

CLERK: (Read title to LB 373.) The bill was first read on January 17. It was referred to the Judiciary Committee. It was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Do you want to deal with the committee amendments first, Senator Nichol?

SENATOR NICHOL: Yes, Mr. Chairman. The committee amendment strikes on page 3, line 3, the words, "in the county jail". That is the provision giving the county court jurisdiction