

SENATOR CARSTEN: Just a minute, before we go any further, is anybody going to take this bill for Senator Haberman? Senator DeCamp.

CLERK: (Read title.) It was read on January 9, referred to Government Committee, advanced to General File. There are Government Committee amendments pending.

SENATOR CARSTEN: Senator Landis. Is there somebody that will take the...there he is. Senator Landis, on the committee amendment.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, LB 885 gives counties an option about how to handle the need for a public defender. Currently, counties can be a part of a county defender region if they wish to, or they can have their own county defender, public defender as we have here in Lancaster County, as they have in Douglas County, or they can have a court appointed public defender which is reimbursed out of county funds. LB 885 allows for a new third option. That is for a county board to appoint a public defender, not elect one, but to appoint one and to put them on a contract basis. However, there are a number of public policy questions in how you effectuate that appointment, what kind of facts, what kind of criteria should be taken into account. And the Bar Association, based on the circumstances that have arisen in other states, has derived a longstanding list of criteria that should be taken into account and methodologies that should be used when appointing or contracting for a public defender. Remember that you might have the potential for a public...for a county commissioner to want to have the lowest cost, least expensive, least qualified public defender in hopes that it would keep law enforcement expenses down. But it doesn't work out that way. Poor public defense does not keep costs down. There are more and more appeals because of inadequate legal counsel and additional costs because, in fact, there is not a good functioning plea bargaining system and the like. The committee has adopted amendments brought to us by Dennis Keefe of the Nebraska Civil Defense Attorneys Association which adopt, in essence, the Bar Association's recommended criteria for the contracting of public defenders and this is standard language, for the most part, from the published ABA reports. While NACO, the ultimate introducers and