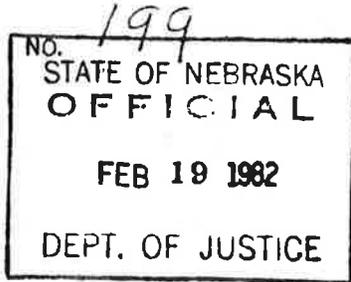


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



February 18, 1982

PAUL L. DOUGLAS
Attorney General
GERALD S. VITAMVAS
Deputy Attorney General
JOHN R. THOMPSON
Deputy Attorney General

Senator John W. DeCamp
Nebraska State Legislature
State Capitol
Lincoln, NE 68509

Dear Senator DeCamp:

You have referred to us LB 717. LB 717 proposes to increase the law enforcement fund fee taxed as costs in each criminal proceeding from one dollar to three dollars. You ask whether or not such a proposal is unconstitutional.

Similar questions have arisen in the past. We enclose a copy of Opinion No. 21, Opinions of the Attorney General from 1981, which addresses in part the questions which you raise in your current opinion request. We stand by the conclusions reached in that opinion. As an additional matter, we might add that we cannot clearly say that an increase in the fee for the purpose set forth from one to three dollars is clearly unconstitutional. It is our opinion that such an increase at this time can be defended.

While there is obviously some limit upon the amount and size of charges assessed in the manner provided for under

Assistants

Bernard L. Packett
Mel Kammerling

Marilyn B. Hutchinson
Patrick T. O'Brien

Ruth Anne E. Galter
John M. Boehm

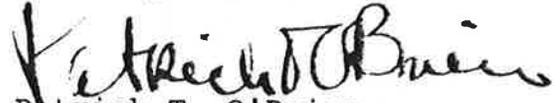
Martel J. Bundy
Mark D. Starr

Senator John W. DeCamp
February 18, 1982
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Neb.Rev.Stat. §81-1429 as amended, we do not believe that line has been crossed at the current time nor does the proposed amendment cross that line.

Sincerely,

PAUL L. DOUGLAS
Attorney General

A handwritten signature in black ink, appearing to read "Patrick T. O'Brien". The signature is written in a cursive style with a large initial "P".

Patrick T. O'Brien
Assistant Attorney General

PTO/cmb/thl

Enc.

cc: Patrick J. O'Donnell
Clerk of the Legislature