

SPEAKER: WE'll move to the general file consideration then of L.B. 57.

CLERK: Legislative Bill read. There are no committee amendments or other amendments.

SPEAKER: Thank you, the Chair recognizes Senator Luedtke.

SENATOR LUEDTKE: Mr. President and Members of the Legislature. I move that L.B. 57 be advanced to E&R for review. Mr. President and Members of the Legislature, L.B. 57 is one of the bills which came up as a result of the judiciary's interim study as the Nebraska Advisory Committee on law enforcement and justice. It involves the field of corrections and specifically involves the transfer to the Nebraska Penal Complex, either the Reformatory or the Penitentiary unit of juveniles who have come into the correctional system out to Kearney or to other holding facilities or detention facilities in the State of Nebraska from a juvenile court and by that I mean to say that an individual is sent to Kearney, a juvenile, through a juvenile court, sent to Kearney and there, because of either being allegedly incorrigible or through some other acts on his part, he has been administratively sent to the reformatory, usually it's to the reformatory and not through any order of any court. There have been some strong feelings that this is unconstitutional, that this is wrong, in fact, we had a judge, Bill Nuernberger, separate juvenile court judge in Lancaster County, appear before our committee and specifically stated that there is no way that an individual should be transferred without further attention by the court, the sentencing court or the juvenile court. This bill would provide that, that hearing would have to be held in the court of the original disposition before such an individual could be transferred to the penal complex. This, you see a juvenile is not technically convicted of a crime, a juvenile is a juvenile delinquent. He is sent there for purposes of rehabilitation or correction and then you are sending this individual by administrative order, by the decision of an administrator only to a penal complex where the only other persons there are serving because they have been convicted of a crime, of a felony, so the judiciary committee received very much testimony in favor of this bill including testimony from the Lancaster County Attorney's Office, from the County Attorney's Association and Mr. Dunlevy appeared as a court administrator to ask that certain procedures be protected as far as how the courts would handle this particular thing and the bill does provide if you will note, in section 1 on page 3, that the determination as to whether the minor is a serious threat to safety shall be made only after the juvenile court hearing in the court of original disposition at which the minor shall have the right to be represented by counsel. This establishes other constitutional rights already established by the United States Supreme Court. The judiciary committee felt that this was essential to the establishment of equal justice in the State of Nebraska and therefore, sent the bill to general file, urging you to pass this legislation.

SPEAKER: Is there any further discussion of the bill. Chair recognizes Senator Simpson.

SENATOR SIMPSON: Mr. President and Members of the Legislature. I think this is a good bill. The original input on this bill came at my urging and young Don Rowlands and some others did some leg work on this and did a lot of checking and found out what the problem really was. I originally got a case coming from my own district which a woman had brought to my attention and I'd like to really explain the case to you without mentioning