

any names and show you what does happen. A young man 15 years old was being a truant from school was not being able to be handled by his mother. In the juvenile court he was sentenced to Kearney, then a counselor in Kearney decided that this boy was incorrigible and in a small staff meeting they transferred the boy to the reformatory. His mother did not even know he was being transferred until he had been there a week. Now remind yourself that this boy has not been convicted of any crime but he is now in the reformatory and after spending a period of time there, he is now 16 years old. He becomes very proficient and professional as a criminal. He gets out and in a short time does commit a crime. He is sent back to the reformatory, he has been committed because he is found guilty of a crime. There he attempts to escape, is transferred to the penitentiary and I had the opportunity a couple of weeks ago when the Budget Committee went to the penitentiary to visit with this boy. He is such a problem in the penitentiary that for disciplinary reasons he's now in solitary confinement in the penitentiary and this boy, this has all happened in less than three short years. We made a mistake in the first place of allowing the transfer without coming back to a court of law and I think if we would have had to follow procedures, we could have had input from the parents, from the juvenile court, very probably we would not have a refined 18 year old criminal in Nebraska today. I hope that we will advance this bill.

SPEAKER: Chair recognizes Senator Whitney.

SENATOR WHITNEY: Would Senator Simpson yield to a question, please?

SENATOR SIMPSON: Yes sir.

SENATOR WHITNEY: Senator Simpson, then, if this bill were to become law and were in effect then is it that before this young man was transferred from Kearney to the other place that he'd have to, he'd have a lawyer to talk it over and he may be kept at Kearney in place of being sent to an institution which may not do as well by him as Kearney, is that the point?

SENATOR SIMPSON: He very surely would get a hearing and would have a right to counsel. It would come back to the jurisdiction of a court and not be an administrative decision which might primarily be on the justification of a counselor within that institution. It would make it an order of law instead of possibly even just a personality clash between two people.

SPEAKER: Any further discussion of the bill. Senator Luedtke do you have any closing? Senator Luedtke is closing on his L.B. 57.

SENATOR LUEDTKE: Mr. President and Members of the Legislature. No, I think that Senator Simpson has said it very well. This is something that we should have done and I think it's another instance of if we do not do it, someone will take this to the Federal Court system and make us do it as a constitutional step and I think if we recognize these cases, it's our duty to correct them right here in our own jurisdiction.

SPEAKER: The question is, shall L.B. 57 be advanced from general file to E&R initial. All those in favor vote aye. All those opposed vote no. Motion is to advance L.B. 57 from general file. Have you all voted. The Clerk will record the vote.

CLERK: 28 ayes, no nays, 21 not voting.

SPEAKER: The bill is advanced. This brings up the general file consideration of L.B. 58.