

itself does not lend itself to medical definition. As it was stated at one of the numerous interim hearings the Judiciary Committee held on the matter, sexual sociopathy was defined as a legal disease with no known medical cure. The term itself appears in no medical textbook leaving mental health professionals to guess what it means. Secondly, under present law it is possible to be sentenced to an indefinite term as a sexual sociopath prior to sentencing under the underlying offense. Such procedure has been challenged and in fact recently was held to be in violation of due process standards because it is possible that the defendant never has a sentence imposed and thus no final order is entered. Since an appeal can only be taken from a final order the defendant may not ever have an opportunity to appeal the conviction. Constitutional safeguards require that these cases be handled differently. As amended LB 378 establishes the following procedures for the disposition of sexual sociopath. First after conviction, but before sentencing in a case involving sexual assault or debauching a minor the court as part of the presentence investigation orders a determination by mental health professionals as to whether or not the defendant is a mental disordered sex offender. The requirement that a mental disorder be present gives mental health professionals a readily ascertainable standard by which they can measure the offenders conduct. Upon determining that the offender has a mental disorder and that it has led to the sexual offense the mental health professional must then determine whether or not the defendant is treatable or untreatable. Once again the determination as to whether the offender is treatable is readily attainable by current mental health standards. These findings are then submitted to the trial court to be considered by the judge in sentencing. Secondly, if a sex offender is found to be non-treatable such an offender is then sentenced by the court on the underlying criminal offense. Thirdly, if such an offender is found to be treatable such offender may then be sentenced to the Nebraska Regional Center until such time as such offender no longer has a mental disorder or such offender has been determined to have had the maximum benefit of treatment. At such time the offender is then returned to the sentencing court where the court may then sentence him on the underlying criminal charge and may receive credit for the time spend in treatment. These procedures maximize the protection of society by providing for the commitment and treatment of a treatable sex offender while at the same time meeting the constitutional challenges of those who are beyond treatment. Once again, if such offenders are treatable, they are then sentenced to treatment at the Regional Center until such time that they are cured or have received the maximum benefit of treatment. If it is