

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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February 2, 1999 LB 106

the institution. Over the past two to three years, I have been made aware of several situations involving inmates who were charged with escape for a variety of reasons. In my mind, and I'm sure in most of yours, the incidents that led to these charges of escape would not be deemed as actual escapes, but a combination of poor timing and poor judgment. I have heard from inmates who told me of being charged with escape for being on a van that was late returning to the center, for being at work without permission from the proper officer, for waiting for a bus in a restaurant rather than outside in the cold, for going to the counseling appointment that was cancelled, for getting out of the car to scrape the windows of it on an icy night, and for stopping to deliver Christmas presents to a child. In none of these cases was the inmate making any attempt to avoid returning to the center, but they were still charged with escape. To be sure, I'm not advocating that inmates be allowed to decide on their own where to go and when to come back, but a little common sense in handling these incidents would go a long way. I have discussed this matter with officials of the Department of Correctional Services, and with the Parole Board, and it's my understanding that they would welcome the ability to make judgments on a case by case basis, but they feel they are mandated by the current statutes to charge all of these cases as escapes. By simply changing the word "shall" to "may", we are offering the department the ability to charge an inmate who has deliberately disobeyed the rules with an escape, if they feel that it is justified, while allowing for a lesser charge, such as being in an unauthorized area, disobeying a direct order, or violating a signed program agreement for inmates who simply made a mistake, or who were caught in circumstances beyond their control. I urge your common sense; you give your common sense a chance to work in supporting this 106. Thank you.

**SPEAKER KRISTENSEN PRESIDING**

**SPEAKER KRISTENSEN:** Debate on advancement of the bill? Senator Pedersen, you are recognized to close on the advancement of LB 106. He waives closing. The question before the body is the advancement of LB 106 to E & R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Please record.