

May 21, 1979

LB 378

explain now again?

SENATOR HOAGLAND: Yes, let me explain it a second time. This amendment takes out a sentence in the bill which provides that people that are undergoing treatment have their parole rights and their good time rights suspended while they are undergoing treatment. Now the Attorney General's office has raised two questions. First of all, they are indicating that that might infringe on the powers of the Parole Board granted under the constitution to set parole dates, but the more fundamental and the question that they are more decisive about is that it is going to treat different classes of prisoners differently. The people that are treatable under the Sexual Sociopath will have no parole rights and no good time rights, while the people that were not treatable and that go to the penitentiary will have those rights, and it's their view that that provision is pretty clearly unconstitutional and that we should take it out. So that's why I'm offering this amendment.

SENATOR VENDITTE: Pete, why are....you had indicated that these people are being treated differently than others. I would think, you know, justifiably so, but can you explain to me how these people are being treated differently than other inmates or other....

SENATOR HOAGLAND: Yes, here's the way it works, Senator Venditte. People are declared to be mentally disordered sex offenders, MDSO's. Now the treatable ones are sent to the Regional Center for treatment. The nontreatable ones are sent to the penitentiary. Now this provision means that those two classes of prisoners are going to be treated differently, and for that reason is in violation of the fourteenth amendment to the constitution. That's the argument that they are making in any event.

SENATOR VENDITTE: Senator Hoagland, where is this amendment coming from?

SENATOR HOAGLAND: It's coming from me, Senator Venditte, having had this conference with a representative of the Attorney General's office last Wednesday morning...last Thursday morning.

SENATOR VENDITTE: Okay, perhaps other members of the Legislature may have comments...if apparently they don't then apparently what you are attempting to do is in order.