

April 16, 1981

LB 95

are not released without letting people know about their circumstances, that we have a situation where people should be placed in the regional centers and it is so difficult in some cases to do that because of the restraints that we have in the process. This I think loosens those restraints somewhat but still protect the individual rights of the individuals who are trying to be committed. So I think this bill strikes a balance and the way I would see it is this. We had a situation where we were so easy to commit somebody for mental illness that it was violating their constitutional rights. With this change by the law, by the constitutional decisions, we went to another extreme...

PRESIDENT: About a minute, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. We went to the other extreme where it was so difficult to commit and then so easy to release and I think we went too far the other way. This will bring us back toward the middle where we strike that balance between upholding the constitutional rights of the individual involved, and at the same time protect the public from these mentally ill individuals and I think that is the balance we want to strike protecting the constitutional rights of the individuals under the commitment act, but at the same time protecting the general public's safety and I think that is why this bill was introduced and that is why it is important to be passed.

PRESIDENT: Before we call on the next speaker, I would like to introduce some more friends and visitors, from Senator Koch's District, the Delehantes from the Rockbrook area. They are up in the South balcony. Would they be recognized, and "Welcome to your Bicameral to the Delehantes". The Chair recognizes Senator Fowler.

SENATOR FOWLER: Senator Sullivan, I have a few questions on some of the changes within the bill. One of the concerns in the original Mental Health Commitment Act was that people had been committed under emergency procedures but were in an institution for a long time before they were able to have a hearing to determine whether or not they should be committed and that is one reason we had the preliminary hearing to establish whether there was probable cause that someone should be put in an institution. By eliminating the preliminary hearing, what is the maximum length of time between the time a person is picked up and put into a mental institution and the time that they would be able to have a hearing to determine whether