

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Hoagland, do you wish to explain the bill?

SENATOR HOAGLAND: Mr. Speaker and colleagues, let me yield a minute or two to Senator Nichol initially if I might.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, as you know, some people across the state have been concerned during the past few years about people beating the rap, so to speak, by pleading innocent because of insanity and not only that, they have been dismissed from our regional center as cured or sane shortly after they reached there by the mental health center, Lincoln Regional Center. The purpose of this bill was to put it back in the hands of the court after the mental health center has said, yes, these people are cured, before they go back into society so that a judge or a court will have the last say--so as to whether these people do or don't go back into society. Mr. Chairman, with that I would refer to Senator Hoagland and Senator Pirsch who will explain the bill further.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, let me just take a moment of two if I can to explain the bill now as amended from a technical point of view and then Senator Pirsch will give some of the reasons why a number of us feel that it is very important to deal with this issue this particular session. Now, there are two essential elements of LB 213 now as amended and let me describe what each of those basic thrusts is. The first is to shift jurisdiction for the disposition of persons found not responsible by reason of insanity and the bill, incidentally changes the terminology from not guilty by reason of insanity to not responsible by reason of insanity from the county mental health commitment boards which currently have jurisdiction, to the trial courts which originally conducted the trial of the matter or the guilty plea in the matter or however else the person came within the jurisdiction of this act. Now, I think a lot of us feel that it is very important to shift jurisdiction back to the courts. Indeed, if you examine the handout that Senator Pirsch has distributed recently you will see that over thirty states currently have a system where the courts have jurisdiction over the disposition of persons found not guilty or not responsible by reason of insanity. Now there are a lot of reasons for this that Senator Pirsch and I have repeatedly given various talks and committee presentations we made about this bill, and let me just boil that down to say that I think that we feel that the courts are