

recent violent acts. Now you can see as I read that standard all the various protections that are built in there which we think are appropriate again if somebody is to be civilly committed against his will because he is having mental problems but has not committed a criminal act where it is not necessarily appropriate or constitutionally required where somebody has committed a criminal act. Now this does raise an equal protection argument because these are both civil commitment proceedings but many cases that we have found and many jurisdictions and their judicial opinions have justified treating differently people who have been acquitted of a serious criminal act for reason of insanity from people who have not committed any criminal act at all. So, that is the other major difference, the major change in Nebraska law which we think is appropriate and we think can be justified constitutionally and incidentally, we are requesting an opinion of the Attorney General on this particular issue and we will make that available as soon as we receive it. Now there are a number of other smaller changes in the bill. Let me just review briefly. We equalize a number of preemptory challenges in first degree murder cases so the prosecution has as many preemptory challenges as the defendant. We attempt to equalize the discovery of pretrial psychiatric reports in insanity cases so both sides have equal access to the psychiatric reports of the other side. We make explicit the court's responsibility to designate all of the conditions of confinement of somebody committed following such a verdict. You may note that in Section 4 of the committee amendments we require that the courts specify the conditions of confinement regarding any freedom of movement outside the locked facilities, including whether or not the person is to be released in the community for any period of time, however short. Finally, because of difficulties that we have had involving the release of persons by the institution without consulting mental health boards, we have also inserted a provision in the bill indicating that personnel at the regional center must obey the court ordered conditions. In other words, if the court in its commitment order says, no lunch hour release, the institutional personnel must follow that provision and if they fail to do so, any person can, upon conviction be subject to the full contempt powers of the court. So we want to put some teeth in this statute so we know the court orders are going to be enforced. There are other important features. We require a probable cause hearing upon conclusion of the trial before a person can be committed against his will and other matters of that sort. Now in conclusion, what this law does, is it sets up an entirely new procedure for dealing with persons found not guilty by reason of insanity with new standards. It lifts out of the mental health commitment act entirely