

those persons and sets up a new procedure for dealing with them. It is important both we feel that we shift jurisdiction of the courts and that we give the courts a more flexible standard to work with than the mental health commitment boards currently have. Now the procedures of this act are modeled on those used in the District of Columbia where they have been in effect for over twenty years, where they work very well. I have confidence that they will work in Nebraska. We intend to have additional amendments on Select File to make the draftsmanship even better than it is now and we will present those at that time. Thank you, Mr. President.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. President. As many of you are aware, I have been interested and concerned about those persons who are excused of any crime by reason of insanity and their premature release and I won't go into detail but this has involved talking to many defense attorneys, prosecuting attorneys, judges, mental health people, psychologists, psychiatrists about the insanity plea and its place in our society. The Judiciary has also studied this and has held hearings in the past across the state and I think that it is true that we all agree that there is a concern and a problem in the State of Nebraska and as the handout that I just handed out pointed out, that there is a concern on a nationwide scale and many numerous changes and attempts or changes by other Legislatures in other states to put these people who are excused by reason of insanity, back under the court jurisdiction. Now, perhaps there are some of you who are wondering why is there a problem now, and I think a little background would be helpful in understanding that. The present law which deals with insanity in our state has been in existence for many years and there is no doubt in my mind that it was an appropriate solution for the problem which existed in the earlier part of the century. At that time being committed to a mental institution was a much stiffer penalty. You would avoid that. You would try to avoid being found not guilty by reason of insanity because your term in a mental institution could be for life without review and without parole. Consequently the United States Supreme Court in 1973 changed all that and they determined that no one could be committed just because they had been judged insane. So consequently then, the paramount concern of the rights of individuals have led previous Nebraska legislators to enact statutes in our own state in the civil mental health commitment statutes which provide protection of defendants in criminal proceedings to the extent