

that their conditional release is based upon...would occur after an individual sentence is completed. The conditional release...the important thing and the reason that I believe that this section is clearly constitutional, in my opinion, is that the standard is still the same. The standard is not guilty...or excuse me, the standard is mentally ill and dangerous, and as long as that standard is the same, I do not see any particular constitutional problem. I believe that Section 44 is one of the most important elements of the bill because it provides for an additional tool with which we can proceed to ensure that these individuals can be retained in the system. It is interesting to note that the first person who was released under the revised Mentally Disordered Sex Offender Act was recently convicted of molesting two children. I think that this conditional release might have prevented that child molesting because there could have been a great deal more scrutiny over this individual after he was released from the institution. And so I think this is an additional treatment tool, a tool the restrictions of which are based upon the same standard of mentally ill and dangerous. I believe that there are no constitutional problems with it. If it is challenged and if we lose it, the severability clause is in LB 95. I think it is worth the risk, and I think that we should see if this will stand the test. I believe it will.

SENATOR DeCAMP: As I understand it then, and you clarify this for me, this is a hold or conditional release the mental institution would have on an individual after they had completed the sentence. Is that correct? Is that correct? You are supposed to turn this thing on and he is supposed to say, that's correct. Is that correct?

SENATOR CULLAN: That is correct, Senator DeCamp.

SENATOR DeCAMP: Ah, see. Okay.

SENATOR CULLAN: But that is after the MDSO...(interruption).

SENATOR DeCAMP: Sentence is completed.

SENATOR CULLAN: That's correct.

SENATOR DeCAMP: Okay. Then I will explain my concerns and I am saying this for you, Sam, and I may be wrong but I wish you would check it out. There was a case that came down and I think you are more familiar with it than I am. You probably studied it. And it said basically,