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you have a criminal sex offense, the judge orders a hearing, we find out if the person is a sex nut or whatever they are called these days. There is confinement on a criminal basis. The Nebraska Supreme Court then said, you must sentence him under the criminal laws and you can't keep him longer than the criminal sentence. Now you are saying, okay, Joe was moved over to the place where they put crazy people, mentally defective people, he has served his sentence and time. Now he is ready to go out and they still say, well, we want to keep control of him, so they give an order and say, okay, you can go out now if you do A,B,C,D,E. He gets out and he violates A. And they say, you have got to come back. And I am saying, no, even though it would be good to have him back. The Supreme Court has said once he has served that sentence he was free, he didn't have a parole system. He didn't have a control system, or whatever, that if you were going to confine him and have him held, you had to get him confined under something else so you did have that control and you are creating just an arbitrary or artificial control. As I say, I agree with what you are trying to do. I think you are doing it in a technically defective way, and I just alert you to it. And I am not going to make a big issue of it, but I would hate to jeopardize your bill because I think it is a pretty major part of the bill.

SENATOR CULLAN: I would like to respond again, Senator DeCamp, and I appreciate it. My guess is that a staff member who probably gave this to you...but at any rate the important distinction and the thing that you didn't seem to pick up on is that after the sentence is completed, you are not talking about a continuation of sentence, you are talking about a civil commitment based upon civil standards, and the individual must still be mentally ill and dangerous. And since that standard applies, I believe that you do not have constitutional problems because it is clearly not a continuation of a sentence. And for that reason I would oppose the striking of Section 44. It is a new experiment. It does give us additional tools, but I think it is constitutional.

SENATOR DeCAMP: Okay, but maybe I misunderstand, but he served his sentence and you haven't civilly committed him yet. Have you? Have you got a system where you have civilly committed him?

SENATOR CULLAN: That's the process. That is exactly what we are saying. Yes, he can be civilly committed.

SENATOR DeCAMP: I know he can be. I am saying that would