

phrase, "as demonstrated by an overt act or threat."

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Hoagland, may I interrupt just a second? The Clerk tells me there might be confusion as to what you are talking about and to set the record straight so that everybody in the House knows what we are talking about, and that is that we are not talking about the Nichol-DeCamp amendment. We are talking about the last amendments by you, Senator Hoagland. Just so that there won't be any confusion. Thank you. Sorry to interrupt.

SENATOR HOAGLAND: No problem, that is correct.

CLERK: Mr. President, if I may, Senator, those...you are referring to the amendments on 2122 of the Journal? Is that correct, Senator? That begin there...

SENATOR HOAGLAND: Yes, that is correct.

CLERK: 2122.

SENATOR HOAGLAND: Page 2122 of the Journal, if any of you would like to refer to it. Now, the way that the amendments on page 2122 of the Journal are different from the amendments that we distributed last week are, first of all, they change the standards so that the entire standard for considering whether people should be committed or not following an acquittal by reason of insanity is, "Whether the person is dangerous to himself, herself, or others by reason of mental illness or defect or will be so dangerous in the foreseeable future as demonstrated by an overt act or threat." And we are changing the language to add, "as demonstrated by an overt act or threat," to satisfy a portion of the objection registered in the Attorney General's letter. Now the second thing we do in response to the Attorney General's letter is we add a new Section 6 to the bill which indicates that, "At each hearing conducted pursuant to the act," that is, each hearing considering the status of someone who has been found not responsible by reason of insanity and whose commitment is being considered, why," that person should be entitled to the assistance of counsel and such additional rights as are guaranteed by the laws and Constitution of the State of Nebraska and by the United States Constitution." So that is intended to be sure that all persons who appear before the court following an acquittal are given all of the due process rights that they are entitled to under state law and under federal law including particularly the right to assistance by counsel. Now we chose not to enumerate those