

rights specifically because there is a constantly changing list of rights to which these defendants are entitled. You might recall reading in the papers that just two days ago the United States Supreme Court broadened the interpretation of the Miranda opinion, Miranda vs. Arizona, to grant defendants rights that people hadn't fully understood they were entitled to before that opinion. So we are leaving that language general to incorporate additional rights that persons in this status may acquire in future opinions by the Nebraska Supreme Court or the United States Supreme Court. Now in other respects the amendments on page 2122 are essentially the same as the amendments that were distributed to you last week. Now we have talked on this bill before, several of us, and I don't want to take any more time than is necessary. Let me just set out again the three or four basic principles of the bill. Number one, they shift jurisdiction over persons who have been found not responsible by reason of insanity in the court system from the mental health commitment boards to the courts that tried the case, the trial court that tried the case. The second thing it does is it creates a separate class by setting up a different standard for treating persons who were acquitted of criminal offenses from those who are subject to commitment under the Mental Health Commitment Act and that standard, that different standard is intentionally looser. It does not have the requirement of a recent violent act among other things to give the courts more discretion in determining how to handle people who have been acquitted of criminal offenses. Now the Attorney General's opinion raised the question as to whether it is constitutional in the State of Nebraska to set up that separate class. The Attorney General did not say it was constitutional. The Attorney General did not say it was unconstitutional. The Attorney General simply said that this is constitutionally suspect, in effect, saying that this is the kind of argument that will be presented to the Nebraska Supreme Court and we cannot predict how the Nebraska Supreme Court is going to rule on that issue. I think it is the feeling of the sponsors of this legislation that we need to go with the tougher standard, the standard that in particular does not require a recent act in order to qualify someone for commitment, either immediately following the acquittal or five or ten years later for continued commitment and see if that standard will be approved by the Nebraska Supreme Court. I might note, and I know Senator Pirsch will speak on this subject, that many other jurisdictions have said that it is constitutional to set up a separate class. Many other states apply different standards to people who have been acquitted of a criminal offense from people who have not had any criminal involvement and are merely subject to civil commitment. Now two other