

is going to be challenged. I think Senator Nichol as is his right is making a record for constitutional challenge, expressing the point of view of himself and counsel for the Judiciary Committee. Senator Cullan did an excellent job, I think, of laying out a number of the authorities that we are relying on to support the constitutionality of our version, and if you will bear with me, I will make a little bit more legislative history for the courts, for the Nebraska Supreme Court and perhaps the federal courts, when this is litigated and then we can vote on this issue. Now, I also strongly oppose the Nichol-DeCamp amendments. These amendments really are the same old story that has been advocated by counsel for the Judiciary for the last three months. We have seen these amendments come along in various forms. Many of Mr. Goc's ideas we have adopted into the present draft. Many of those ideas we think are meritorious. We have taken this bill through three or four drafts. We have adopted some of his ideas but on two basic principles the cosponsors collectively, Senators Hefner, Pirsch, Cullan and myself, have decided to stand firm and let me tell you what those two principles are. Number one, we think it's exceedingly important to adopt a tougher standard than is present in the Mental Health Commitment Act because, and this is legal talk again for the courts, because we think there is a valid legislative purpose for treating differently people who have been through the criminal process and found not guilty by reason of insanity but found at the same time to have actually committed that criminal act from people who have never been engaged in the criminal process at all. Now frankly we are treating those people differently and we are treating them according to a tougher standard as Senator Cullan indicates. Now Mr. Goc has been pressing on us for the last three months to use the more lenient standard followed in the Nebraska Mental Health Commitment Act, a standard which frankly restricts the discretion of the courts in holding people far more than we would like to see that discretion restricted. Now we have researched a lot of cases in other jurisdictions, in the District of Columbia and in other states and frankly there are authorities all over the country from other state courts that say that it is legitimate to set up a separate class for people who have been through the criminal process. You can treat them differently according to different standards and that is what we are doing in this particular measure and that is the principal issue of difference between our version and the Nichol-DeCamp version. Now shortly, about ten minutes ago the four of us distributed a handout which outlines the other essential differences between the bill as written and the Nichol-DeCamp amendments. I have mentioned one of them, the most important which is a different standard. Now let me tell you about