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LB 213

been approved by the respective highest courts of those jurisdictions again add support to the fundamental constitutionality of our approach here. Now basically what LB 13 (sic) does is it provides a framework, a framework outside the Mental Health Commitment Act for the courts to deal with people who have been acquitted because of the insanity defense but who have otherwise been found guilty of the underlying criminal offense. Now, LB 213 provides a skeleton for treating those people and the courts will have a lot of discretion within that skeleton for flushing out the standards and according individuals who come within that framework additional rights if they wish. Indeed, in Section 6, we make it explicit that persons that are being processed through the framework set up in LB 213 are to be accorded such constitutional rights as are guaranteed and such other rights as are guaranteed under the constitutional laws of the State of Nebraska and the Constitution of the United States and, quite frankly, that gives the courts a great deal of discretion to accord persons all of the due process rights the courts feel they are entitled to. We don't in any way intend that this act should be restrictive in terms of the rights accorded defendants but we intend to give the courts as much latitude as the courts feel they need to accord these persons all of the various constitutional and statutory rights they feel that they need. Now I think as you've gathered from our remarks, we are taking something of a risk with this bill. We are setting up a different standard and Nebraska currently does not operate in that fashion. This will clearly be litigated. We feel that there is enough authority in other jurisdictions for doing this, that it is worth taking the risk in Nebraska, because if this approach is adopted, why Nebraska will have a substantially tighter system, not only for dealing with people who are going to be acquitted by reason of insanity in the future but also dealing with people that have been acquitted in the past and are currently under the jurisdiction of the mental health boards. So, again, I think we have done as best we can to assure that this framework is properly written and constitutionally written and we would ask you to reject the Nichol-DeCamp amendments and pass the bill as written. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator DeCamp. There is no need for it because that is it. You are the last speaker so we are ready for the...Senator Nichol, you may close on your motion to return.

SENATOR NICHOL: Mr. Chairman, John says he wants to talk a minute.