

under the NGRI, not guilty by reason of insanity. If we set up a system establishing a conditional release for all these individuals we have a much stronger constitutional case because we take away any equal protection arguments. So I think this takes away that one argument that was raised on Select File by Senator Chambers and Senator DeCamp about the constitutionality of the bill. I still think they are wrong but next year I am going to come in with even a better bill and handle the conditional release program for all those mental patients. So with that, I would ask you to adopt these amendments, return the bill and then we can readvance it.

PRESIDENT: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I support some of Senator Cullan's efforts to clean up his bill and try and eliminate the constitutional problems but I do think that it does not solve all the problems and for that reason I would have to oppose his amendment. LB 95 in the mental health commitment law makes a major change by striking the right of a preliminary hearing so that somebody who is committed would not be able to have a preliminary hearing. Currently you would have to have that within five days. Senator Cullan removes that completely. Now his bill did say that it would be ten days possibly before you would have any hearing at all so that you could be in a mental institution ten days without any sort of formal hearing to determine whether or not, in fact, you were mentally ill or dangerous. Now Senator Cullan is willing to concede to go back to seven days on that final hearing but I do wish he would consider reinstating the preliminary hearing because I think he still has major problems with the bill. I object to the portion of his amendment where he strikes the second opinion, the second psychiatric opinion. It seems to me that if somebody is going to be put in a mental institution like the Norfolk Regional Center, the Lincoln Regional Center or the Hastings Regional Center that it is not asking too much to have more than one psychiatric professional evaluate that person. If they are going to spend a week in a mental institution it would seem to me to get a second medical opinion is not an excessive or burdensome requirement. In the course it says within thirty-six hours that that should be offered. In that thirty-six hours there would be several shifts of medical personnel and two mental health professionals certainly should have the opportunity to look at someone. Considering the fact that some of the state psychiatrists have had problems themselves with drug addiction and problems that many of our psychiatrists or some of our psychiatrists have had to turn in licenses, these types of things have gone