

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Do you want to explain the bill, Senator Fowler?

SENATOR FOWLER: Mr. President and members of the Legislature, it was brought to my attention last year by a rural county sheriff that there is really no provision for time off for good behavior in county jails. Usually in movies somebody gets 6 months and time off for good behavior, but in the State of Nebraska, at least in county correctional facilities that is not possible. Now at the State Penitentiary Reformatory at York that is allowed, so for the more serious crimes, the felonies, there is time off for good behavior. For the misdemeanors there is not, and so that is what the bill provides. Now there has been some concerns expressed by some county sheriffs about administration of this that perhaps they are running a very small jail, have a lot of other responsibilities, not a lot of staff and resources, and they have some reservations about implementing the bill in their county, and those reservations have been transmitted to me by their representative, Walt Radcliffe, who I am sure many of you are familiar with who represents and speaks for many people, but in this case he is speaking for the sheriffs. I talked with Walt today about possibilities to amend the bill that would solve those objections by county sheriffs in smaller counties, and it was kind of our mutual agreement that perhaps we could amend this bill so that only those counties that have a county correctional staff and office separate from the sheriff should have this provision. In the State of Nebraska right now as far as I know that is only Douglas and Lancaster County...counties with larger correctional facilities, a separate corrections staff from the county sheriff's office. The concept there is that we could put it in those larger counties, still meet any sort of constitutional test, because we are providing it in a category of correctional facilities, that is county correctional facilities, where there is a special rationale for allowing it. Unfortunately there is not enough time, that this bill...things have moved quicker on General File than expected, there was not time to draft that amendment, so I have agreed to work with Walt Radcliffe to develop the amendment, present it for your consideration on Select File, if that is acceptable, to basically allow this provision for the larger counties with correctional facilities that have correctional staff that are able to implement this. Now the administrators of both the Douglas and Lancaster correctional facilities are interested in having this bill as a mechanism of control and reward for their institutions. They find that this may, in fact, help give them an extra incentive to offer prisoners for good behavior.