

So I would move to advance the bill and I pledge to present an amendment that would limit which counties it covers because there are some concerns and objections from some county sheriffs, and I would offer that for the Legislature's consideration on Select File. I would be glad to answer any questions, otherwise I would move to advance LB 231.

SPEAKER MARVEL: Senator Marsh, do you wish to be recognized on the bill? Senator Beutler, do you wish to.... Senator Kahle, do you wish to be recognized?

SENATOR KAHLE: Mr. Speaker and members, I guess I am a little concerned. Maybe Senator Fowler can enlighten me. He said that it would be constitutional because of the difference in facilities. I guess I have two questions, one is, are outstate people ever housed in the county jails that you mentioned in Omaha and Lincoln? And if they are, how would that relate to the difference in treatment from their home county? And the other thing is how do you determine how much good time they would receive? Will there be a formula?

SENATOR FOWLER: Okay. Senator Kahle, let me take the second question first. There is a formula in the bill and it is five days good time I think for one month good behavior, or seven days...seven days good time for one month behavior. So you have to have a certain continuous number of days of good behavior before you earn it, and that formula then would be uniform. As to whether people from outstate counties are housed, I would guess there may have been times that in the Douglas and Lancaster facilities there have been prisoners from other counties housed at least temporarily before they are transported maybe back to a home county. Whoever is in those facilities would, whoever is in that would earn good time if they have already been sentenced. Obviously, if somebody is waiting for sentencing, the good time could not be earned. It would be applicable after sentencing. I could check into whether any outstate prisoners have ever been housed in those facilities after sentencing. I am sure they have been used as temporary holding facilities.

SENATOR KAHLE: Thank you, Senator Fowler, and with that explanation I will wait and see what they come up with on Select File. But I think we need to be very careful that we don't make a discriminatory bill out of this so that in one section of the state or one facility you will get different treatment than you do in another. Thank you.