

March 30, 1989

LB 486, 669

Senator Hall. (Title read.) The bill was read for the first time on January 19. It was referred to Judiciary Committee. They report the bill advanced to General File.

SENATOR LANDIS: Thank you, Mr. Clerk. Senator Lindsay, on behalf of Senator Hall.

SENATOR LINDSAY: Thank you, Mr. President and colleagues, LB 669 is a bill which relates to probation. The thrust of the bill is to allow judges a little more leeway in the area of probation. It affects just one section and that section is that dealing with jail time involved in probation. What the bill would do very simply is that for a misdemeanor the greatest amount of jail time that could be served by a defendant would be the maximum amount stated by...in the statutes. For felonies the time that could be served would be 180 days. The reason for that is it gives judges leeway a little bit on probations for felonies that if they feel that somebody...the current statute allows 90 days. If they feel somebody deserves probation but 90 days isn't going to do it, this gives them a little more leeway that they can give up to 180 days and still allow that person to be on probation. Conversely, on misdemeanors, what is occurring on occasion is that somebody is sentenced to probation, and for a crime that may have a maximum of seven days, they are getting much in excess of that. The statute allows on probation up to 90 days. It's a case that could be appealed, but practically speaking, nobody can get an appeal up there because of jail time served before an appeal can be heard. I would urge the adoption of the bill.

SENATOR LANDIS: Thank you, Senator Lindsay, there are no lights on. You are recognized to close. Senator Lindsay waives closing. We'll proceed to a vote on LB 669. Those in favor vote aye, those opposed vote no. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR LANDIS: The motion carries. The bill is advanced. We'll go on to LB 486, an Education Committee bill. Mr. Clerk.

ASSISTANT CLERK: LB 486 was introduced by the Education Committee. (Title read.) The bill was read for the first time on January 17. It was referred to the Education Committee. They report the bill to General File.