

standards? How is that handled?

SENATOR CHIZEK: Well, I...yeah, but I think that's possible, Senator, but also, as you know, I said in there we...we left in this bill the right for people to have their day in court so they could get before a judge and say this is, you know, totally unacceptable, we can't live with this, it creates a hardship, whatever.

SENATOR SCHMIT: That's...I understand, but it has been my experience, Senator, that having their day in court before the judge really hasn't amounted to very much because the judge can say, nonetheless we shall mandate that these changes be made and they must be made. And we don't exactly have an archaic system in Butler County but I know that the county board has complained to me from time to time by virtue of mandates being issued relative to their jail.

SENATOR CHIZEK: But, Senator, that's why when I mentioned that we have the word "minimum" in there. Minimum standards won't change, it's those that go beyond that.

SENATOR SCHMIT: But the minimum standards can be changed and by whom can they be changed and with what degree of frequency can they be changed?

SENATOR CHIZEK: I think they can be changed perhaps any time there's a mandate by federal law.

SENATOR SCHMIT: Or can it be done by a comment in the Federal Register?

SENATOR CHIZEK: No, it cannot.

SENATOR SCHMIT: Well, Senator, I'm going to have to take a look at your bill again. I'm going to...I understand, I believe, what you're trying to do but it's been...all of my experiences with jail standards boards have not been good and I see no reason to be enthused about the situation as it exists today. For the most part, the housing in the jails is better than some of the inmates have experienced before they got there and we seem to be more concerned about raising those standards, time after time, than we are about the reasons as to why the people got there.