

much of the evidence might have been destroyed. So if we do nothing to alleviate this waiting list, the problem will only grow more severe. Therefore, we hope to do something before it is too late. The law, as it exists now, requires that the initial responsibility for making that determination that a convicted person is a mentally-disoriented sex offender and would benefit from treatment is by the sentencing judge. The sentencing judge makes the determination based on the advice and recommendation of private practice mental health professionals appointed by the judge. If the judge determines the person is a mentally-disoriented sex offender, the person is committed to the Nebraska Department of Institutions for treatment. The convicted person is held at the Department of Correctional Services until there is space available in the treatment program at the Department of Institutions where a preliminary evaluation may be done. When space becomes available, treatment is then commenced based on whether this evaluation by the mental health professionals working for the Department of Institutions agree or disagree or contradict the advice that that person is treatable. Treatment is evaluated annually by a review committee who inform the sentencing court of their findings, including whether the offender is benefiting from treatment. The review committee then recommends whether treatment should be continued. After reviewing the committee's recommendation, the sentencing judge may order either the treatment be continued or that the offender is not benefiting from treatment and the order may be dropped...and the offender may be dropped from the program. After the treatment is completed, the person is returned to the Department of Correctional Services to complete his or her sentence. Under current law, there is no provision which allows the sentencing judge to reassess, alter or revoke the court-ordered treatment once that order had been made. LB 523 would make a substantial change to this procedure. It allows the Department of Institutions, instead of the sentencing judge, to make the initial evaluation of a convicted person to determine whether that person is a mentally-disoriented sex offender within the first 60 days of incarceration at the Department of Correctional Services. Consequently, a person would plead guilty without being promised that he or she would receive treatment as a mentally-disoriented sex offender. The Department of Public Institutions would then be able to place a person in the mentally-disoriented sex program, defer selection for treatment until a later time, or determine that the person is not a mentally-disoriented sex offender. Likewise, the department would have the authority to remove the person from