

treatment if the individual is uncooperative. LB 523 also requires the Department of Public Institutions to conduct an annual review of those persons in the program and inform the sentencing court, upon completion of the...of the sex offender in the treatment program. They may release the person to aftercare treatment, resentence the person to probation with aftercare treatment being a condition of probation, modify at a later date the terms of probation, or change of or termination of placement in an aftercare program, reduce the sentence to allow for earlier patrol (sic), or deny any request for reduction of sentencing probation or aftercare treatment. This procedure would offer an inducement to offenders to approach treatment positively. Not only will the defender (sic) benefit from this inducement, society will as well if the treatment reduced the threat to society. Should the offender be resentenced to probation after successful completion of the program, the officer assigned to the offender must develop an individual aftercare plan and the person consider recommendations made by aftercare mental health professionals. And, in order to relieve the backlog on the treatment waiting list, LB 523, Section 11, requires all persons who did not plead guilty or no contest and sentenced under existing law to treatment as a mentally-disoriented sex offender and who have one year or more remaining on his or her sentence to be returned to the sentencing court for resentencing in accordance with LB 523. Finally, with regard to 523 as originally drafted, in order to make this change over process from current law to the procedure in LB 523, the Parole Board and the Department of Correction (sic) Services' records must be made available to the Department of Public Institutions for purposes of implementing sentencing in accordance with LB 523 and the Department of Public Institutions. Now, colleagues, that was lengthy, but Senator Kristensen, as we go on, will address some more, but the committee amendment is somewhat of a technical clarification for procedures which affect those offenders who have pled guilty or no contest and they were promised that if they were found to be a treatable, mentally-disoriented sex offender they would receive treatment. Under certain provisions of the Federal Constitution, we are prohibited from taking away any rights promised to an offender before he or she pleads guilty or no contest. Therefore, the committee amendment provides that these offenders may be returned to the sentencing judge when the offender may elect whether to be covered by the treatment procedure under the law at the time they were sentenced, or be covered under the treatment procedures of LB 523. The committee