

January 9, 1992 LB 678

SENATOR PIRSCH: And how is that decision reached?

SENATOR WESELY: The judge makes that decision.

SENATOR PIRSCH: The judge of the sentencing court will make that decision based on the advice of the regional center...

SENATOR WESELY: Uh-huh.

SENATOR PIRSCH: ...or the Mental Health Board:

SENATOR WESELY: Well, the regional center and the health professionals will report back in to the judge. What we found, Senator Pirsch, is that with this all or nothing it's kind of tied back in in concept to the MDSO thing is that we kind of had our options limited and we have realized, with experience, that there is another way. And rather than taking somebody who no longer maybe needs to be in the Lincoln Regional Center but they've still got questions, rather than just letting them out there would now be this option of an outpatient status and oversight by the judge and a program to be followed...

SENATOR PIRSCH: But these are people who have committed crimes and have been relieved of punishment because of their mental status...

SENATOR WESELY: That doesn't change.

SENATOR PIRSCH: ...and held not responsible.

SENATOR WESELY: The problem we're getting into, see, we're heading the same way. I think you're thinking I'm heading a different way than you but that's not the case.

SENATOR PIRSCH: Uh-huh.

SENATOR WESELY: They now, obviously, are committed to the regional center and that would continue. The problem we've got is sometimes a judge is confronted with this person no longer should be in the regional center, they should be released, but the judge is concerned about releasing this person. They don't have any ability to say, well, I want to...okay, if that's what you say we should do, let's do it with this sort of circumstance where somebody...there's a program in place and the judge has to report back in and there is an outpatient status so they're not