

SENATOR BEUTLER: I'm talking about the new law.

SENATOR KRISTENSEN: Okay, under the new law, do away with those sorts of prescreening things that we did prior to sentencing.

SENATOR BEUTLER: Okay.

SENATOR KRISTENSEN: The judge is going to take a look at whether this individual may be suitable for some treatment. However, before we made determinations and those were done by people who were not necessarily familiar with what the Regional Center ability was in Lincoln. Now, the judge is going to basically turn over those powers, at least for evaluation, over to the people who do it on a regular basis, that is the Department of Public Institutions, to take a look at the appropriateness of treatment. Now you're going to ask what's appropriate. That's a case by case decision. I mean, a definition of appropriate, appropriate is that that's suitable for the individual. You may have someone who, with a little bit of counseling, a little bit of care, a little bit of monitoring, may well be the individual who would benefit from that after they pay their price to society by incarceration because they did commit a crime, is safe to turn back to the streets. You may have another individual who, no matter how much counseling, no matter how much training, no matter how much self-examination they do, that's not going to be successful. This deals with how do we treat that individual once they're in the system.

SENATOR BEUTLER: Are we operating under the assumption that all individuals are treatable?

SENATOR KRISTENSEN: Well, you have to make that examination. No, I don't think everybody is treatable. There's provisions in the bill where it talks about if they are not treatable.

SENATOR BEUTLER: Okay. If they...if they are determined not to be treatable, then is it fair to say it's not appropriate that they go into the department...the department's program?

SENATOR KRISTENSEN: There's a section in the bill that says if they are not...one, if they are not willing. They may be appropriate for treatment but they may not be willing. They may just say, I think this program's...you know, I don't need this (interruption).