

SENATOR BEUTLER: This applies only to the situation where the court has overruled the Department of Institutions and directed that individual be included in the program. Only in that narrow situation, Senator, I'm suggesting that if the department then turns around and under other language in the bill decides to kick them out and effectively overrule the court, that the court ought to be able to protect such a person.

SENATOR KRISTENSEN: So they go back...let's say the Department of Public Institutions finds that they're uncooperative or...

SENATOR BEUTLER: Not amenable to treatment.

SENATOR KRISTENSEN: ...not amenable to treatment, then they have to go back to the District Court, under your amendment?

SENATOR BEUTLER: That's right.

SENATOR KRISTENSEN: Okay. That's sort of like the system we have now, isn't it?

SENATOR BEUTLER: Well, it's sort of like the system you have in the bill altogether. I mean, to get into the program, in the first instance, you have to go to the court, right?

SENATOR KRISTENSEN: Well, in the front end, yes. I mean, that's where you...

SENATOR BEUTLER: Yeah.

SENATOR KRISTENSEN: ...have...the appeal exists in the front end right now,...

SENATOR BEUTLER: Uh-huh.

SENATOR KRISTENSEN: ...as I would see it, yeah. But what I see this doing is that you may have to wait. If the offender is uncooperative, they may have to wait, how long, maybe three or four months before they could get back to court to change that placement?

SENATOR BEUTLER: Well, I'm not sure why it would be three or four months, but, you know...