

ordered as part of a plea bargain. Right now we have what amounts to, what I would view as a glitch in our law. Our law permits a sentencing court to order restitution for the actual physical injury or property damage sustained by the victim as a result of the offense for which the defendant has been convicted. But the way that the law is stated requires that the defendant be convicted, actually, before the restitution can be ordered. What my amendment would do is simply say that with the consent of both parties, the defendant and the victim, that the court may order restitution for the actual physical injury or property damage sustained by the victim of an uncharged offense, or an offense dismissed pursuant to plea negotiations. So this would simply address the situation where the prosecution is willing to...to accept a plea bargain, essentially, the defendant is willing to accept, as part of that plea bargain, providing restitution to the victim of a crime. So this allows a victim to recover some damages without the individual that committed the crime actually being convicted, actually allowing...allowing the court to cut that individual some slack and allowing the victim still to recover some damages because of actual losses sustained due to the crime. That's what my amendment would simply do. I would urge the return of the bill to Select File and the adoption of the amendment. Thank you.

SENATOR LAMB: Chair recognizes Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Chairman. I rise to support Senator Will's amendment. This does require both parties, so the victim will be involved, and the victim will have to give consent. That's an important part of this. Restitution has always been the better part of victimization, if indeed the victim can be made whole. And in this case to have restitution in those plea negotiated offenses, that has not been able to be done before, is a great improvement for victims, and I believe for the laws in the State of Nebraska. I support Senator Will's amendment.

SENATOR LAMB: Senator Will, do you care to close on your amendment?

SENATOR WILL: I would simply urge the body to vote to return the bill to Select File and then to adopt the amendment.

SENATOR LAMB: The motion is to return LB 111 to Select File for a specific amendment. Those in support vote aye, those opposed