

The problem we have right now is that it's inconsistent with what occurs at the state level. At the state level it's six months for six months. At the county level it's 7...or 7 days for each 14 days served. Bottom line, what this results in is if you have someone sentenced to a year on a...and sent to the Correctional Center, or excuse me, sent to the Department of Corrections, they would serve six months on that year sentence. If someone is sentenced to 364 days for a misdemeanor, they would serve 9 months in the county jail. So, in effect, what is happening is that we're increasing or we are making the lesser offense more serious than the more serious offense, which seems to me to be inconsistent. Yesterday, Senator Witek spoke a couple of times against this and indicated that a question of whether we have a continual erosion. I've been trying to get the history, just got a note that it's ready now, but on LB 113 from a couple of years ago, looks like Senator Witek already has it, to find out what's going on. I believe, and I'm going from memory on this, but I believe at that time this is what I was trying to accomplish. Then when we introduced this I think I screwed up on the drafting, and that's why we had to come back with this initially last year, and then again this year. But it's not intended to be a constant erosion. What it's intended to be is simply to make the two, the state level and the county level, consistent. With that, I'd be happy to try to answer any questions and would urge the advancement of the bill.

SENATOR CROSBY: Thank you, Senator Lindsay. For debate and discussion on LB 234, Senator Pirsch.

SENATOR PIRSCH: Thank you, Madam President. I again would like to ask Senator Lindsay some questions, if he would yield.

SENATOR CROSBY: Senator Lindsay.

SENATOR LINDSAY: Yes.

SENATOR PIRSCH: Senator Lindsay, in the penitentiary, of course, they are generally terms that are more than one year. Is that correct? And then the county has those less than one year serve time?

SENATOR LINDSAY: A year or more, you're right, are in the state level, right.

SENATOR PIRSCH: Okay. Now, in the penitentiary there is a