

February 22, 1996 LB 645, 1021

the decision, and this decision was last year, in 1995, under the Jones case, the courts do not have that power any longer to resentence. And so we, what we do under LB 1021 and now under this, this bill, is to come back to you and say that that power needs to be changed in statute to the...to the executive branch in accordance with the court ruling so that we allow for the Parole Board to have the authority with the information provided from the Department of Public Institutions to the Department of Corrections and the Board of Parole. And with that information they use positive time and good time to...actually positive time more likely, to make a decision on the release of an individual. So what I'm, what I'm...the short of it, and I've given you the long of it, but the short of the issue is that we have a convicted sex offender statute that is now no longer valid, the court has thrown it out, in terms of how we handle resentencing because the court cannot have that power. So this amendment takes the power from the court and puts it back with the Parole Board and the executive branch, which is where the court says it needs to rest. This is a draft that has come to me and to the Legislature through work by the Department of Public Institutions, Department of Corrections, and county attorneys have been involved. This is a draft that has a broad range of support. There is no opposition that I know of. And I'd be happy to answer questions, but I ask your support for the amendment. It does clarify a court ruling that has thrown out a statute that needs to be clarified or we jeopardize our convicted sex offender statutes and we don't want that, so we do need to pass it this year. I'd ask your support for the amendment, Mr. Speaker.

SPEAKER WITHEM: Thank you, Senator Wesely. Senator Witek.

SENATOR WITEK: Thank you, Mr. Speaker and members of the body. I rise in support of the Wesely-Hudkins amendment and it, it is not directly in the area of 645, but it certainly pertains to it and enhances the bill. And I hope that you'll see fit to attach it to 645 and move the en' re bill forward. Thank you.

SPEAKER WITHEM: Senator Abboud.

SENATOR ABOUD: Mr. President and members, I, as far as Senator Wesely's amendment, this bill did come out of the Judiciary Committee and I did have some concerns about it. But in checking with county attorneys throughout the state, they feel