

February 22, 1996 LB 645

SENATOR WESELY: No, that would be the Parole Board's decision. That...the process doesn't change so much as the decision making. The decision making goes from the court to the Parole Board, and that's something we have no choice on. The court has ruled that they do not have the proper constitutional authority in this regard and have, basically are requiring us to move it to the executive branch, to the Parole Board.

SENATOR BEUTLER: So even though they may not be eligible for parole,...

SPEAKER WITHEM: One minute.

SENATOR BEUTLER: ...the Parole Board may decide that they should be released into an aftercare treatment program as opposed to being returned to the facility to serve out their term. Is that correct?

SENATOR WESELY: Well, I mean situations may vary, but the idea is that if they've completed, successfully completed treatment, then information is given the Parole Board that this would be one option, but the Parole Board could determine not to release them and put them back into custody. So, you know, there are several options, and those exist today and those would continue into the future. It's not what choices they have, it's who's making the decisions, and that's really issue here.

SENATOR BEUTLER: So we're giving further power to the Parole Board here, essentially.

SENATOR WESELY: That's right, that's the key issue, and there is really no choice in that matter because the courts have ruled that they cannot have that power which we had granted to them.

SENATOR BEUTLER: Were there any other alternatives...

SPEAKER WITHEM: Time.

SENATOR BEUTLER: ...considered as opposed to the Parole Board?

SPEAKER WITHEM: Senator Beutler.

SENATOR BEUTLER: Were there any other alternatives considered other than the Parole Board?