

February 22, 1996 LB 645

SENATOR BEUTLER: Okay, thank you.

SENATOR WESELY: I'll find out.

SPEAKER WITHEM: Thank you, Senator Beutler. Senator Beutler, did I, did you wish to be recognized again or did I just neglect to turn your light off? Senator Wesely, there are no further lights on, would you like to close on your amendment?

SENATOR WESELY: Thank you. Mr. Speaker, members, the amendment before you, I appreciate Senator Beutler's concerns and I will...I have no, no doubt that this, this language is appropriate. What we're trying to do, again, is reflect a problem that came out with a court decision, it started with Phillips v. State and went to Jones v. State, and it said that the question of resentencing, after an individual had completed their treatment through the convicted sex offender program, can't remain in the judicial system. That function, once the sentencing process is complete, a person goes into the program, at that point it becomes an executive branch decision, no longer a judicial decision, and they've ruled and there's really not much option that we have on this. The administrative arm of the state and the judicial involvement of county attorneys were brought to bear to how best to solve this problem, and the language that's before us what they came up with. There really isn't much, much choice at this point, but what I would do is I'd ask for adoption of this amendment and I will look further at the specific concern Senator Beutler had. And maybe in a little bit on the bill we can have some further clarification. But I know this much, we need to adopt this amendment and we need to get it passed this year or we jeopardize the convicted sex offender statutes that we have, and I don't think anybody wants that. So I think we take this step, and I can help clarify Senator Beutler's concerns further as we discuss this issue. With that I'd ask for adoption of the amendment.

SPEAKER WITHEM: Thank you, Senator Wesely. The question before the body then is the adoption of the Wesely amendment. All of those in favor vote aye, opposed vote nay. Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Wesely's amendment.

SPEAKER WITHEM: The amendment is adopted. Mr. Clerk, anything