

February 22, 1996 LB 645

SPEAKER WITHEM: They are withdrawn and considered to be refiled. Mr. Clerk, what else is pending.

ASSISTANT CLERK: Senator Beutler would move to amend. (See FA455 on page 877 of the Legislative Journal.)

SPEAKER WITHEM: Senator Beutler.

SENATOR BEUTLER: Senator Withem, members of the Legislature, this amendment directly relates to the subject we were just discussing. I suspect that most of you agree conceptually with Senator Chambers, that we ought not to have somebody suffer, whatever bad thing they've done, they ought not to suffer the additional public disdain of being on a sexual offenders list if, in fact, they have no predilections toward sexual offenses. And that's all Senator Chambers was trying to do. My one hang-up with what Senator Chambers was trying to do was simply the fact that procedurally it seemed to be hard to make that determination, or at least it was unclear in his amendment as to how you would reach that conclusion. What I'm suggesting with this amendment, and it's just been passed out to you is a compromise, which would essentially say this, with respect to those offenses, kidnapping and false imprisonment, that may have been done for a sexual purpose but may well have been done for something other than a sexual purpose, with respect to those offenses the sentencing court shall at the time of sentencing determine, in light of all the facts, whether the convicted person shall be subject to the Sex Offender Registration Act. In other words, let the judge look at the presentencing report and investigation that's done, they do an extensive background report on the individual on why he committed the crime, on the social factors involved in his particular, or her particular circumstance. There's the county attorney's report, and there's other information available from the public defender's office or from the attorney for the individual that's accused. And looking at all this information together, it is possible for a judge to make some kind of reasonable determination about the reason or motivation of the individual committing the crime. In fact, the judge almost has to do that in order to sentence somebody appropriately. And so all this amendment is saying is let's ask the judge in those instances to make one more determination, that determination being whether this person will be required to be on the Sexual Offender Registration Act or, in