

Senator, I understand you'd like to withdraw AM3857. Senator Hudkins would move to return for AM4194 (sic), Mr. President.

SPEAKER WITHEM: Senator Hudkins.

SENATOR HUDKINS: Mr. Speaker and members, I think the number should be 4195.

CLERK: I'm sorry, Senator?

SENATOR HUDKINS: (AM)4195.

CLERK: Right, that's what I have.

SENATOR HUDKINS: Good morning, members of the Legislature. The original intent of LB 256 was to transfer the maintenance costs to the state for individuals who were accused of committing a criminal offense who are then subsequently found to be mentally incompetent to stand trial. Currently, the costs of maintenance for a civil commitment are paid by the state. For criminal cases, however, in which the accused is incompetent to stand trial, the counties alone have the burden of paying for these expenses, expenses which can be significant. The most populous counties are the ones that are most dramatically affected by these costs, but the situation could affect any county. It's nearly impossible for a county to budget for such an occurrence. Over days, weeks and it actually seems like months of discussion with the counties and the Department of Public Institutions when we wrote and rewrote amendments, a compromise has finally been reached as to how the maintenance costs will be paid. The amendment can be found on page 1706 of the Journal. The cost of the initial examination will remain with the county as it's printed. But the question of who pays for the maintenance and care of the individuals has been resolved. If the accused has been found incompetent to stand trial, the counties and DPI have reached an agreement to share the maintenance costs equally. Neither side is completely happy so it must be a good compromise. The fiscal impact of LB 256 as now written is about \$691,000. With the amendment I'm offering, the fiscal impact is reduced 47 percent to \$325,065. I ask your support for LB 256's return to Select File for this specific change and then its readvancement to Final Reading. Thank you.

SENATOR COORDSEN PRESIDING