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April 14, 1999 LB 299

SENATOR BRASHEAR: Mr. Speaker, members of the body, thank you, Senator Peterson. I was pleased to prioritize LB 299 because I think, as Senator Peterson has demonstrated, this is a problem, this is a problem all across the state of Nebraska, and we do have an opportunity to...

SPEAKER KRISTENSEN: One minute.

SENATOR BRASHEAR: ...address it. I'd like to explain the nature of the increased penalties, if I could. The changes relate to the crime of possession of a controlled substance with intent to manufacture, distribute, deliver, or dispense. In common terminology, that's dealing in drugs. Under current law, the crime of possession with intent to deliver of less than seven ounces of methamphetamine is a Class III felony. A Class III felony carries a maximum sentence of 20 years and a minimum sentence of 1 year. A Class III felony does not carry a mandatory minimum sentence. Under current law, the crime of possession with intent to deliver of more than seven ounces of methamphetamine is a Class II felony. A Class II felony carries a maximum sentence of 50 years and a minimum sentence of 1 year.

SPEAKER KRISTENSEN: Time. Your light is the next one on, though, Senator Brashear. You may continue.

SENATOR BRASHEAR: Thank you, Mr. Speaker, colleagues. A Class II felony does not carry a mandatory minimum sentence. The Class IC and ID felony classifications are similar to a Class II felony except that they carry a mandatory minimum sentence. A mandatory minimum, unlike a regular minimum sentence, must be served for the entire minimum term. A regular minimum sentence can be reduced by good time such that eligibility for parole can come before the full minimum sentence has been served. When a mandatory minimum sentence is imposed, parole or release cannot come before the mandatory minimum sentence has been served. A Class IC felony carries a five-year mandatory minimum, and a Class ID felony carries a three-year mandatory minimum. A Class IB felony does not carry a mandatory minimum, but, since the minimum sentence is 20 years, the earliest possibility of parole for an inmate sentenced for a Class IB felony would be 10 years. In 1995, penalties for