

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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place an offender in an incarceration work camp if it is found, among other things, that the offender is medically and mentally fit to participate with allowances given for reasonable accommodations. There was no mention as to who makes these determinations concerning fitness to participate and whether accommodations are needed. Specifically, LB 288 amends Nebraska Revised Statute Section 83-4,143, paragraph (2), subsection (b) to allow medical and mental health professionals to make these determinations. The bill further includes that the Department of Correctional Services would establish standards for such determinations. However, this is a committee...there is a committee amendment to strike this portion of the bill and there is no opposition to this amendment from the Department of Corrections or myself. I understand it's not the intent of the department to limit participation in the work camp, but, rather, to avoid potential high medical cost and liability for certain offenders who may have existing serious medical or mental health problems. On behalf of the Department of Corrections, I would urge you to advance LB 288 to Select File and will be glad to answer any questions you may have. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. Senator Kermit Brashear, the Chairman of the Judiciary Committee, you're recognized to open on the committee amendments. (AM0169, Legislative Journal page 760, First Session, 1999.)

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. The committee amendment does very little and we believe simply adds to the purposes of the bill. The committee amend...as Senator Engel noted, it was unanimously voted out of committee and we commend the bill and the committee amendment to you. The bill, as amended, requires the determination of whether an offender is medically and mentally fit to be...that determination to be made by medical and mental health professionals. The committee amendment also strikes the language on page 2, which would have required the Department of Corrections to establish the standards for determining the physical and mental fitness of an inmate to be placed in an incarceration work camp and, by striking that requirement, we leave that professional standard to the professionals and do not subject it to the initiation or supervision of the Department of Corrections, and the Department of Corrections agrees with that