

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 26, 2003 LB 46

and encourage the development and use of community corrections or incarceration alternatives based in the local communities. The package incorporated in LB 46 reflects the working group's conclusion that sentencing practices must change. Use of Nebraska's prisons must be more heavily concentrated on the criminals who pose the greatest danger--the people we're scared of, not the people we're mad at. To those ends, LB 46 endeavors to limit the use of incarceration, the most expensive sentencing option, to those cases in which it is the best use of state resources. The key components of LB 46 include strategies relating to our current systems of probation; parole; the Commission on Law Enforcement, criminal justice; and the Department of Community Services. . . pardon me, Correctional Services. Trying to summarize, central to LB 46 is the creation of a Community Corrections Council which will oversee and ensure that a continuum of community corrections is developed for use by probationers and parolees. For budgetary and administrative purposes, the council is placed under the Crime Commission. Another element is probation and parole fees, as assessed for the support of the enhanced programming and services for offenders utilizing probation and parole. A probation enrollment fee will be assessed to each probationer, and a monthly . . . excuse me, probation and parole programming fee will be assessed to each probationer and parolee. Probation officers are given the option of imposing administrative sanctions when a probationer has committed a minor or technical violation. Therefore, we're practicing judicial economy; not going back for hearings, arguments, and results. Another element is with regard to presentence investigations, or what we call PSIs. They are prohibited with regard to convictions for Class IIIA misdemeanors or lesser offenses, rather than having one in each and every case. Now that's as the bill is written. I'm still on the introduction of the bill. Sentencing guidelines are created. Sentencing guidelines based on a defendant's instant criminal conduct and prior criminal history offer the best way to make equitable decisions about which offenders need to go to prison, and to emphasize the incapacitation of violent, sexual, and habitual offenders. A criminal justice data reporting and analysis process would be developed in order to make consistent, competent and informed criminal justice policy and sentencing decisions. The Board of Parole is given additional discretion