

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

March 26, 2003 LB 46

you've worked on and, if so, you can just tell me, but here's what I wanted to ask. You know, it says that these probation officers, they'll have the power to make the decision to impose administrative sanctions. Now, administrative sanctions are defined in the bill and can include a number of things shown on page 17: counseling, increased supervision, increased substance abuse testing. It all appears to be a heightening and intensification of various parole/probation kinds of conditions, some of them potentially very serious. So it gives the probation officer, in a circumstance where otherwise he apparently would have been required to seek revocation for violation of the conditions, it gives him the power to simply impose administrative sanctions. So, as I understand it, the parolee or the "probationee" would continue to be under the supervision of probationer control; wouldn't go back to the courts. But with the agreement of the probationer, these new administrative sanctions could be imposed upon the probationer. And whether or not the probation officer can do that depends on the probationer's risk level, the severity of the violation and the probationer's response to the violation. So the probation officer is making a judgment about both the violation and the reaction of the probationer to that violation, and it seems to indicate that the sole power...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...here is in the probation officer. And my question, my first question to you, and I guess that's all I'm going to have time to ask right now, is, given your knowledge of probation officers, do you think it's okay to give them the sole power to determine administrative sanctions, or would some system that involved perhaps a concurrence by a probation administrator of...at some level may not be more appropriate? That would be...you have the best understanding of anybody in here on the level of probation officer competence and judgment and that sort of thing, and I'd be interested in your response.

SENATOR CUDABACK: Would you yield, Senator Synowiecki?

SENATOR SYNOWIECKI: Yeah, thank you, Senator Beutler. I have very limited time, but I will just let you know that probation