

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

March 26, 2003 LB 46

burdening the system and creating delays within the system and so, theoretically, that requires less system and the expenditure of less money, at least, and I think not only theoretically but actually. So what we are trying to do here is to, in the instance in which someone has violated a term or condition of probation but it is not sufficient that we want to go to the more expensive option of incarceration and we don't want to use judicial resources to try to impose some sanction, we're trying to allow discretion, reasonable discretion, within the probation officer so that we're handling this in a more efficient manner and in greater...with greater proportionality, so to speak, to the offense involved. Is that responsive, Senator Beutler?

SENATOR BEUTLER: Yes, that helps a lot. And then with respect to these administrative sanctions that would be the option of the probation officer, under the way the law is structured right now, they could apply these sanctions once, or they could apply them twice if for some unusual reason they thought that the probationer deserved yet another chance, or they could even do it a third time, but they also have the option of just going to the court for revocation. Is that...is that accurate?

SENATOR BRASHEAR: Exactly. Exactly. We are trying to...we are trying to remove what I would call the arbitrariness and...the arbitrariness of the thing, of the situation, and trying to provide greater discretion and more options short of incarceration.

SENATOR BEUTLER: Okay Senator Chambers is concerned about the...

SENATOR CUDABACK One minute.

SENATOR BEUTLER: ...the breadth of the various administrative sanctions that the probationer...or the probation officer could impose, that they might be unreasonable, for example, but isn't it in the bill that the probationer has to agree to the administrative sanctions, or not? I may not have read that carefully enough.

SENATOR BRASHEAR: Yes, yes, it is. And, in fact, the broad