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FLOOR DEBATE

March 26, 2003 LB 46

question?

SENATOR BRASHEAR: Yes, Mr. President, I will. Yes, Senator Beutler, that is a criminal violation of the law.

SENATOR BEUTLER: Okay. And the probation officer in that instance would have the prerogative...and I'm not sure how to fairly characterize this, so if I mischaracterize it, it's not intentional, Senator, it's because I'm not sure. But the probation officer would seem to have the prerogative of ignoring the criminal violation, not informing authorities of the criminal violation, and simply administering a...if he so chose, administering an administrative sanction, in other words, ratcheting down on the terms of probation in response to that criminal activity. Tell me to what extent, if any, I may have mischaracterized that situation.

SENATOR BRASHEAR: You're...Senator Beutler, you have correctly characterized the situation. And we begin by this kind of a dialogue to understand what there was that a group of people with an interest in and a responsibility for this area of the law could talk about all day once a month for 14 months. It...because if you have it so that every violation of that kind or type...and you've taken one that's fairly clear and advanced. But if you...if we're worried about any kind of a dirty drug finding kind of thing, if we're always going to reincarcerate, if we're always going to go through a revocation hearing, if the discipline is always going to be imposed by the courts, then we are not going to achieve any of the savings and the reduced incarcerated populations that other jurisdictions have experienced by having discretion in those who are on the front line dealing with these people,...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...and thinking that they have someone nearly ready to crest the hill, but having to take them all the way back for having slipped, for having made a mistake, for having had a problem.

SENATOR BEUTLER: Well, I...