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FLOOR DEBATE

March 26, 2003      LB 46

there's a probability of activity. If there's actually been the delivery of an illegal substance, there should be a law violation reported, and I think that's clear. But where there's not that requisite certitude, then we're allowing the individual to deal at the one-on-one level. We're allow...bad choice of words. We're allowing the probation officer to treat the situation at the one-on-one level.

SENATOR BEUTLER: Yeah. But what's trouble...what's a little troublesome to me...and I want to emphasize a little troublesome, because I...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...I like what you're trying to do. And I want to try to get it straight in my own mind, or reconcile it in my own mind. But we seem to be saying that possession of cocaine is a criminal violation of law, delivery of cocaine is a criminal violation of law; but in one case the probation officer can blink, that is, in the case of possession or use, and in the other case he should not blink, he or she should not blink. But the law itself as it's drafted doesn't distinguish those situations. And I'm wondering whether we shouldn't say something more in the law, or if that isn't a situation where the probation officer is perhaps given too much discretion.

SENATOR BRASHEAR: At some point, Senator Beutler, we'll reach a value judgment. But with our 27 percent of our total incarcerated population therefore...

SENATOR CUDABACK: Time. Thank you, Senator Thompson and Senator Beutler. (Visitors introduced.) On with discussion. Senator Chambers. And this will be, as you know, your third time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President. And I appreciate the fact that you repressed that sigh of relief. (Laughter) Members of the Legislature, I have said to Senator Synowiecki in a private conversation, and I want to say it on the mike, what I'm saying is not directed against him or probation officers in general. It's just an expression of my mistrust and distrust of