

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

March 26, 2003 LB 46

committee amendments offered by the Judiciary Committee to LB 46. The question is whether that amendment should be adopted. All in favor vote aye, opposed nay. Voting on AM1002 to the committee amendments. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Brashear's amendment.

SENATOR CUDABACK: The motion was successful.

CLERK: Mr. President, Senator Synowiecki would move to amend the committee amendments with AM0965. (Legislative Journal page 1035.)

SENATOR CUDABACK: Senator Synowiecki, you're recognized to open on your amendment, AM0965.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback. We've had a lot of conversation with regard to administrative sanction already. And this amendment attempts to strike all provisions with administrative sanction. As I mentioned during my dialogue with Senator Beutler, I bring this amendment on behalf of rank and file probation officers, those that I've talked to throughout the state. There is concern with liability exposure, giving probation officers the statutory authority to provide sanctions within the criminal court setting. While the court enjoys an insulation from any civil liability pertaining to criminal court decision making, probation officers do not enjoy that insulation, and they have serious concerns about the administrative sanction. And furthermore, on a more practical matter, this sort of system or sanction program is already in place under existing statute. On page 16, line 11, during the term of probation, the court, on application of a probation officer or the offender or its own motion, may modify or eliminate any of the conditions imposed on the offender, or add further conditions authorized by section 29-2262. Under this existing language, administrative sanctions are done routinely now. And I would argue and submit on behalf of the probation officers that I bring this amendment for, and on their behalf, that number one, administrative sanctions, practically speaking,