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FLOOR DEBATE

March 26, 2003 LB 46

bill, in case there was an opportunity to vote on the bill before lunch. But, Senator, I wanted to run by you some things that may be concerns to me, depending on what additional information you may have available at this point. And I wanted to direct your attention to that portion of the bill that starts on page 51, which is Section 42, which is the provision relating to the declaration of a correctional system overcrowding emergency. Under that particular provision, as I understand it, once the prison population level is over 140 percent of the designed capacity, then at that point in time the director of Corrections certifies the fact to the Governor, and the Governor has the option of declaring a correctional system emergency. And the declaration of that emergency then, as I understand it, sets in motion some intensified activity by the parole board, and gives them some options and encourages them to do some things in terms of putting more people on parole earlier. Is...that may be an oversimplification, but I think that's essentially correct, is it not?

SENATOR BRASHEAR: That is a correct summarization. Yes, Senator Beutler.

SENATOR BEUTLER: Okay. Tell me this, to start with. With respect to reaching that threshold of 140 percent of the designed capacity...well, let's start with one item. Why 140 percent? Could you just elaborate on that briefly?

SENATOR BRASHEAR: It was a debated...

SENATOR BEUTLER: And where are we at right now, by the way, too?

SENATOR BRASHEAR: Okay. The...arriving at 140 was simply, in the collective opinion of the group after discussion, the right level at which we ought to declare the emergency, in relationship to where federal courts have traditionally considered the situation to be...to require their attention and positive action. In other words, we're thinking we can do 140 without...get to 140 without having had a problem.

SENATOR BEUTLER: Okay. So that...it invites court interference