

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

April 10, 2003      LB 46

Record please, Mr. Clerk.

ASSISTANT CLERK:      26 ayes, 0 nays on the adoption of the amendment, Mr. President.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, next item to the bill.

ASSISTANT CLERK:      Mr. President, the next amendment I have is from Senator Brashear. This is AM1232. But I have a note he wishes to withdraw.

SENATOR BRASHEAR: Yes, please, Mr. Clerk.

SENATOR CUDABACK: AM1232 is withdrawn.

ASSISTANT CLERK: In that case, Mr. President, Senator Brashear would offer AM1263. (Legislative Journal page 1230.)

SENATOR CUDABACK: Senator Brashear, to open on AM1263 to LB 46.

SENATOR BRASHEAR: Mr. President, thank you. members of the body. This amendment incorporates any number of changes that draw upon the debate on General File by Senator...most significantly, by Senator Synowiecki and Senator Chambers, with regard to probation administration sanction section of the law, and secondly, striking a provision under the section outlining the duties of the Community Corrections Council in order to assure...ensure compliance with the Nebraska Constitution. On General File, you heard the debate with regard to Section 7, which provides a process whereby administrative sanctions can be imposed on probationers by probation officers for technical...what we call technical violations, in other words, noncriminal or substance abuse violations, as they are defined in LB 46. Concerns dealt with the scope of the sanctions, as well as the safeguards to be put in place assuring that the probationers would be treated fairly. This amendment addresses those concerns by restricting the breadth of the sanctions, and by including a measure to make more certain that the probationer in fact is treated fairly. Specifically, the amendment accomplishes the following. When an officer is going to impose