

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

April 10, 2003 LB 46

statewide policy...to suggest a statewide policy that would save prison beds for the worst of the worst. Let me share this with you. In 2001, 64 percent of, or a total of 154 probation offenders were sentenced to prison. And 74 percent, or 933 offenders were sentenced to jail as a result of what we are describing in LB 46 as technical parole violations. Courts construe current statutes to require a formal hearing each time any additional probation requirements are imposed by the court. And therefore the law does not give probation officers the discretion to handle technical violations without going through a formal violation process. LB 46 is trying to provide a statewide model that would be more efficient, more effective, and less costly in sanctioning probationers committing technical violations than what the current law is doing, and certainly not returning so many...or, sending so many to prison or to jail. Given the outline of the model in the statute, the probation administration would, by rules and regulations, put in place more specific processes and procedures for the probation officers which they would be required to follow. That's, again, in further evidence, as far as we're concerned, in support of the amendment. And I urge its adoption. Thank you.

SENATOR CUDABACK: Did you wish to close, or are you waiving close, Senator Brashear? He waives the opportunity to close on AM1263 to LB 46. The question before the body is, shall AM1263 be adopted? All in favor vote aye, opposed nay. We're voting on adoption of the Brashear amendment, AM1263 to LB 46. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 1 nay on the adoption of Senator Brashear's amendment, Mr. President.

SENATOR CUDABACK: The amendment was adopted. Mr. Clerk, next item to the bill, LB 46.

ASSISTANT CLERK: Senator Synowiecki would move to amend with AM1217. (Legislative Journal page 1231.)

SENATOR CUDABACK: Senator Synowiecki, you're recognized to open on your amendment, AM1217 to LB646.