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LB 46, 407

this together, I amendment I have to respectfully tell you misses the mark and creates some problems that I want you to know about. In the first instance, some of the aspects of Senator Erdman's bill, for instance, eliminating presentence investigations in all misdemeanor cases, are exactly like those that were proposed by the Governor originally to, in a bill, to the Judiciary Committee. That bill is still in the Judiciary Committee because your Judiciary Committee did not agree with the Governor on eliminating all presentence investigations in all misdemeanor cases. If you take all presentence investigations out in all misdemeanor cases and eliminate the \$1.4 million which the Governor was trying to save by doing that, or would be saved in this proposal, then you have no presentence investigations in first-degree domestic violence cases, in assault cases, in driving under the influence. Now the effect of not having a presentence investigation, and I've confirmed my understanding with Senator Synowiecki who has, and he has given me permission to reference our conversation, who has a great deal more on-line experience in this total experience than I do, because I don't have any on-line experience, and he said, yes, that's correct. If you don't have a presentence investigation, and the judge doesn't have the authority to get a presentence investigation, you have no factual basis before the court with which you can then decide what you're going to do in terms of something less than an incarceration or that sort of thing. So we are striking at the base of our community corrections effort throughout this whole session and I think there has been a very substantial commitment to support and uphold community corrections as our goal in order that we get our correction spending under control. So the \$1.4 million that's saved by not doing presentence investigations, which contemplates then reducing the budget and the staff and the operation of the Probation Department, would be downsizing a Probation Department at the time when we want to maximize probation and lessen the amount of incarceration for things where we can use community corrections. However, there's an even more serious problem that I'd like to discuss with you, and that is that, in round numbers, we...you'll recall that in LB 46 we raise \$2.5 million a year, and \$5 million a biennium, from probation fees, probationer fees and parolee fees. It is a constitutional fact in the state of Nebraska that if you're