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FLOOR DEBATE

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LB 57

SENATOR FLOOD: Thank you, Mr. President, members. As the husband of an expecting pregnant woman, we'll have to stop using our microwave, Senator Schimek. I want to just make some brief comments in this, and I didn't expect to even stand up today, but we cannot arrest our way out of the drug problem in the state of Nebraska. And this amendment raises an important point, but does so in the wrong way. Criminal liability for mothers is not the answer that I think any of us are looking for. When that pregnant mother walks into the emergency room, she's looking for help, not jail, and we should accommodate that by rethinking the way this amendment aims to accomplish a more equitable remedy, I guess, is maybe what Senator Beutler is looking for. Under LB 57, you could be charged with anywhere from a Class III felony, 25 years in prison maximum, to a Class I misdemeanor, not more than 1 year in prison. I oppose the amendment, AM1377, but I would ask the body to consider the idea of civil commitment. Think about civil commitment and how it relates to a mother that is at wit's end, finds herself in the emergency room, continues to take methamphetamine or another controlled substance. She is there for help. She wants a safe environment. Maybe she doesn't want a safe environment at that time, but we want her to have a safe environment to live in so that her precious cargo can be delivered, and that young person has the same opportunities that we have in Nebraska. This problem is ironic because it's exactly what our judges are dealing with in the 7th Judicial District. They find themselves jailing pregnant mothers who continue to take meth when they're out on probation or maybe on parole, because they don't know what else to do. There is a place in Omaha that I've learned a little bit more about, Saint Monica's, which encourages a mother to raise her children next to her while she receives the treatment, and to obviously have a safe place to be while she's expecting another child. This mother is a person with some very important cargo that we want to take care of. Jails are no place for these pregnant women. Why couldn't we create a civil commitment standard, using the language we already use, that either someone else or the person individually has become dangerous, so that we can help this person, this pregnant mother, through her pregnancy and stay away from methamphetamines, or stay away from crack or crank or whatever