

March 15, 1983

LB 78

committee amendments pending by the Judiciary Committee.

SPEAKER NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, as the Clerk indicated, this is Senator Pirsch's bill which has to do with informing the victims of crime or the victims of certain crime with regard to what the county attorney is doing by way of plea bargaining. This bill is radical in its concept, that is to this point in time we have never required of the county attorneys that they involve themselves with the victims of crime other than, of course, to the extent that it is necessary to obtain their testimony as witnesses and to prosecute the case. But now we are saying something brand new. We are saying that in certain instances you are going to consult with the victims of crime and if you are talking about a murder case, you are going to consult with the family of the victims. It involves such things, it defines what a plea bargain is, and then it goes on to indicate that contact has to be made with the victim, and the victim has to have input into the plea bargain. Then with regard to presentence investigation, it provides such things as that any written statements submitted to the county attorney by the victim have to be included. Any written statements submitted to the probation officer by a victim have to be included in the presentence investigation. If there are no written statements, then the probation officer has to certify to the court that he or she has attempted to contact the victim, and if they have contacted the victim that they have offered to accept, they have to indicate...the probation officer has to indicate that they have offered to accept written statements from the victim, or even to write down the victim's oral statements for submission in the presentence investigation. So there is work imposed upon the county attorney and there is work imposed upon the probation officers under the terms of this bill. Now, the committee amendments are largely technical, however, there are two substantive provisions. One of them redefines plea bargain and I think there is no dispute...was no dispute anywhere in the committee with the definition of plea bargaining, and you will see that definition in the committee amendments. The second thing, and this is very important that the committee amendments did, was to limit this concept to certain types of serious felonies. It is limited to homicides, to first degree sexual assaults, to first degree assaults and to robberies. All of these felonies are serious. They are ones in which there is personal contact with the victim, some kind of personal contact. It is not a crime where there is no personal contact, and it is saying with regard to these limited items