

SPEAKER WITHEM: Senator Brashear.

SENATOR BRASHEAR: Mr. Speaker, members of the body, I rise with some reluctance in support of this amendment. I would have preferred to have observed longer, learned more, but a funny thing happened on the way as we debated LB 234. What appeared to me to be a prison population or jail population management policy bill was turned into a law and order issue, a crime bill. I propose the amendment, which I hope is before you, yes, with some good humor but also to make the point. It was a surprise to me after we had what I thought was the first great debate in the body and I consistently voted against the call of the question, as will be my custom, so that we could hear the debate. And I heard colleagues, such as Senator Hillman, talk about how they had a prison population control or jail population control issue in Scottsbluff and yet when they went to the voters, the voters declined the bond issue to build a larger or additional facility. I don't think that's an inconsistency on the part of the people. The people are saying, yes, do something about crime. They're also saying control property taxes. They're serious about both and they're expecting us to make the tough decisions. I left here having voted with those who did not prevail. The headline writers, and I recognize that those aren't the noble members of that estate that sit with us, but the headline writers characterized the issue as somehow being soft on crime, and I thought, gee, I must be wrong, so I'll do my own investigation. So I went to members of my community, where I'm charged with being representative, and asked. Well, I found that we had so framed the issue here in the exercise of our leadership that it was considered to be a law and order issue and people would not want to speak against it, or want to speak for it. But, off the record, what I learned was, yes, there's a jail population issue in this state in a number of locations and the alternative is to do more plea bargaining or otherwise practice house arrest or transfer to other county jails. And so I found that we were, in fact, in the midst of telling those people whom we employ at good and sufficient wage, with expertise, how to manage our prison population, we were in the process of telling them how, in a micromanagement sense, they should do their job, when what I thought was the issue that ought to be before us is our policy. I ran on a platform that a sentence should be a sentence, and, to me, a sentence is not a sentence if a Class IV felon, incarcerated in a county jail in Douglas County, can turn to a Class I misdemeanor and say to him, chortling all the while, my