

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

May 28, 1997

LB 94, 150, 405

to look at us changing policy, introduced LB 405. It didn't make it out of the committee and I'm glad it did not make it out of the committee, but what it did was reinstate the language that we put in in LB...or to change the language that we put...took out in 529. What we did was we made several changes to truth in sentencing. We said that the judge must state the minimum as well as the maximum sentence. That's why it's called truth in sentencing. Maximum relates to the discharge date. The minimum relates to the parole eligibility date, and the maximum, how it's affected by good time, and parole eligibility after one-half of the minimum. And we said that the courts, the judges, are no longer restricted to imposing an minimum term of not greater than one-third of the statutory minimum. And we said that the courts could impose minimum terms on second degree murder sentences. So those were the changes that we had made in 529.

SPEAKER WITHEM: One minute.

SENATOR WITEK: Senator Chambers, in LB 405 this year, chose to try to change that back to pre-LB 529, and if you'll look at the fiscal note and some of the committee...people who were in talking to the committee, the Attorney General had gone in and said LB 405 makes every rapist, every child molester, every armed robber and every other felon eligible for parole after serving one-sixth of their maximum sentence. So when you're talking about not having enough money for prison and how our prisons are becoming overcrowded because of policy changes, I would remind you that these policy changes are very good and very valid and they are keeping violent, and I don't care who defines violent in this blue, I define every single one of these people as violent, they are keeping those individuals, and giving a judge discretion the very violent, in prison for longer lengths of time and I am willing to spend that money for a new prison if that's what it's going to take. Thank you.

SPEAKER WITHEM: Would like to recognize some guests of the Legislature from Stanton, obviously guests of Senator Schellpeper. As a matter of fact, they are his grandchildren. We have David and Brandon Morfeld. Could you please stand to be recognized. And while the Legislature is in session, capable of transacting business, I would propose to sign and do sign LB 94,