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LB 150, 364, 405, 816, 882

SENATOR BRASHEAR: Thank you.

SPEAKER WITHTEM: Senator Wehrbein.

SENATOR WEHRBEIN: I give my time to Senator Brashear.

SPEAKER WITHTEM: Senator Brashear, you're recognized to speak. I'd also point out that your light will be on next.

SENATOR BRASHEAR: Thank you, Mr. Speaker. As we were getting our early afternoon more relaxed start, I didn't get through all of the explanation that I wanted to give and I'd like to continue that if I can and that may prompt more questions such as Senator Witek's and Senator Crosby's. I would like to direct everyone's attention again to the circle pie chart that shows "Felonies Impacted by LB 529" to make certain that we have no confusion or misunderstanding that I might be able to clear. We are only talking basically then, I didn't get to the conclusion, we are talking about the white area, those felonies in that category which are Class I, II and III remain absolutely unchanged. The felonies in the red tones are the ones that involve violence directly upon or related to another person and those are remaining unchanged. In fact, they're being elevated to Class IIIA felonies under Amendment 2653; and we are only talking about utilizing the formulaic minimum-maximum, minimum no more than one-third of the maximum approach on the approximate 60 percent represented by the blue. That's how we're approaching the 529 aspect of the amendment. With regard to positive time...and I guess I should clarify at this point and make a matter of the record what we're doing with regard to 529 is the same specific subject matter as LB 405 which was heard before the Judiciary Committee, had a full hearing, was considered by the committee and is being held by the committee. It became opportune to utilize and work with the substance of LB 405 as a part of the LB 150, LB 882 and otherwise discussions and compromise. Moving to the positive time issue, you have a handout from the Department of Corrections that talks about good time calculations under LB 371 versus LB 816. The fact of the matter is, in the view of the Department of Corrections, that there has been an unintended consequence with regard to the adoption of LB 371. And that unintended consequence is as is