

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 27, 2022

Rough Draft

HUGHES: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifteenth day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Father Christopher Kubat from St. Cecilia's Catholic Church in Hastings, Nebraska. Please rise.

CHRISTOPHER KUBAT: All-powerful, all-knowing, and ever-living God, you knew and loved us before we were created, before we existed. You know our thoughts, past, present and future. We humbly beseech thee to bless us as we gather today in the Unicameral, the great state of Nebraska. We ask you to not only guide our minds and our hearts to know your will, but please give us the courage to do it. May we all be servants of those we represent, seeking their well-being and safety. Make us all images of your divine likeness. Amen.

HUGHES: Thank you, Pastor Kubat. I recognize Senator Friesen for the pre-- the pledge.

FRIESEN: Thank you, Mr. Speaker. Would everyone join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HUGHES: Thank you. I call to order the fifteenth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll Call.

HILGERS: Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

HILGERS: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: One, Mr. President, on page 430, strike lines 2 through 7. That's all.

HILGERS: Thank you. Are there any messages, reports or announcements?

ASSISTANT CLERK: There are, Mr. President. Senator McDonnell reports LB1023 as his personal priority bill. That's all I have at this time.

HILGERS: Thank you, Mr. Clerk. Senator Machaela Cavanaugh would like to recognize Dr. Joe Miller, of Omaha, serving as our family physician

of the day. Dr. Miller is seated under the north balcony. Please rise and be recognized by your Nebraska Legislature. Mr. Clerk, we'll turn to the first item on the-- this morning's agenda.

ASSISTANT CLERK: Thank you, Mr. President. LB568, when we left, it was on Select File. There's a motion pending to advance it, as well as an amendment pending from Senator Pansing Brooks, AM1510.

HILGERS: Thank you, Mr. Clerk. Senator Pansing Brooks, would you like to take a minute just to refresh us on the amendment?

PANSING BROOKS: Sure, I'd be happy to. I am-- Nebraskans, I'm very pleased about this bill. This is a bill where we worked with everyone. We've worked on it for two-and-a-half years. We've worked with the courts, we've worked with county attorneys, we've worked with advocates, and we have come out with a bill with which everyone agrees. Everyone in the counties has come forward in support of this bill. It moves \$3 million to the Community Aid Fund to help with diversion. This is a win-win bill. It moves from-- it moves the money from Probation to community aid so that there can be help across the state with diversion, so that the counties can initiate these diversion programs that the larger cities have. And I am really pleased about this, and this does it with-- with no expense. We're-- we're just moving dollars over from-- from Probation. So the courts are in favor of it. It's going to save court dollars. What this does is-- is-- it's a truancy bill and requires that the county attorneys expend all efforts to move-- to move kids into diversion before they charge a child, a Nebraska child, with truancy. As I stated yesterday, the courts are filled with truancy cases and that's costing the taxpayers a lot of money. We have an ability to save the taxpayers money. We have an ability to keep kids out of the-- out of the justice system and give them diversion on something like truancy. A lot of these kids have problems at home and need help, so this bill will help them. It doesn't help to throw them into the justice system, where 70 percent of the kids that end up in the criminal-- in the juvenile justice system end up in-- in the adult system. Instead, let's give them the help that they need and provide the resources to the counties that they need for these diversion programs. Let's go for diversion first. Last year, when I brought this bill, I have a number of you on the record, and I can show you, that said, oh, well, if county attorneys were on board, we'd be on board, so I'm-- I'm ready for that. I'm hearing a different song right now, which I think is disappointing because we're talking about Nebraska children, Nebraska

children who need help and the courts support it, and the deciding factor should be our Nebraska children. Thank you, Mr. President.

HILGERS: Thank you, Senator Pansing Brooks. Debate is now open on AM1510. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. It's no surprise to my colleagues that I stand against this. We've gone way too far. The pendulum has swung way too far on juvenile justice, taken tools away from our law enforcement and, yes, our county attorneys. Because the lobbyists agreed to a letter and the president did, that doesn't mean my county attorney did. And I think there's other senators here will tell you their county attorneys don't agree with it. Right now, anybody who wants to do a county attorney [INAUDIBLE] the courts in a county want to do what this bill says, and my county already does and the law already states it, that you can send them to diversion, and they do. Truancy in the courts is that law out there as a last resort for the young teenager who revolts, doesn't listen to parents, won't do-- won't do diversion. It gives those individuals in our public schools and in our legal system one last chance to set the young person straight. You take away the hammer, there's absolutely no reason for a young man, and I'll use my son, a young man who already has said he will not attend school. Why would he attend diversion when there is no hammer for the legal system to use as that last tool? All we're doing is trying to solve a problem by renaming it. Tru-- the word "truancy" is in law. It is in case law. It has been defined. Merriam-Webster: shirking responsibility; being, resembling, of [SIC] characteristic of a truant; to idle away time, especially while playing truancy [SIC]. Black's Law Dictionary: the term is given to a minor who is absent from school and does not have his parents' permission to be absent. Excessive truancy, is there a legal definition for that? Are the courts going to have to readjudicate when a parent says, my child is sick, they cannot attend school/ That's already decided in case law in truancy. What is the definition of excessive absenteeism in legal terms? Does anybody know? I took my kids out of school to go on vacations in the fall because my summer work wouldn't allow me. Would I be at fault of excessive absenteeism? There's no definition. We are redefining a term that has served the legal profession well, that has served parents well. It has served the public education system well. This is wrong-minded, going in the wrong direction. It's foolishness. Changing the name of an accepted term and thinking you're solving truancy by getting rid of that word is, plain and simple, foolishness. Senator Pansing Brooks, could you answer a question? I didn't ask you ahead of time, but I have a question for you.

HILGERS: Senator Pansing Brooks, would you yield?

GROENE: Yesterday, you made a broad claim that the attorney-- with the amendment, the attorneys-- county attorneys can still charge a child--

HILGERS: One minute.

GROENE: --with truancy. Is that right?

PANSING BROOKS: That's-- that's correct.

GROENE: The word "truancy" is nowhere in your law, so is the correct term they could charge them with "excessive absenteeism?"

PANSING BROOKS: Yes.

GROENE: All right. Well, that would be the correct term--

PANSING BROOKS: Thank--

GROENE: --not truancy--

PANSING BROOKS: Thank you.

GROENE: --because you eliminated truancy. Also, she made the bold statement that-- that status-- she said it real quietly-- status offenses, which are 3(b), a thousand-- nearly a thousand charges and 70 percent of them are truancy. Do you know how many kids end up in court over 3(b) cases? Ten percent, maybe 20. They are there be-- from sub (1) misdemeanors. They're there for sub (2) offenses, felonies, mostly drugs.

HILGERS: That's time, Senator.

GROENE: They're there for--

HILGERS: That's--

GROENE: --sub (b) traffic offenses.

HILGERS: That's time. Thank you, Senator Groene and Senator Pansing Brooks. Senator Flood, you're recognized.

FLOOD: Thank you, Mr. President, members. In just a moment, I'm going to hand out a letter from the Madison County Attorney, Joe Smith. And I think it's important to make a few points here. I serve on the

Madison County diversion board. My dad started that in 1974, and I'm honored to continue the service that he started by sitting on the Madison County diversion board. We don't need to continue to intrude on the juvenile justice statutes with a brand-new definition of excessive absenteeism. A Blaine County attorney, a Douglas County attorney, a Madison County attorney, and a Cedar County attorney may see excessive absenteeism differently. We have a justice system that needs to be able to be used by the prosecutors. If you don't want to let prosecutors have access to the justice system or if you want to put these barriers, these statutory barriers to get a juvenile into the juvenile court system, then why don't we call our county attorneys social workers, because that's essentially the work you want them to do. County attorneys are elected, and I think as you-- as you look at what's happening in juvenile justice, you can't get a 12-year-old into detention. Last year, I had a 12-year-old girl stab violently another 12-year-old girl in Stanton, Nebraska. The sheriff shows up. They detain the 12-year-old. Because of the changes made in this body, we couldn't put her in a detention center. The sheriff's wife was sitting with her at a Norfolk hotel, wondering where they were going to take her. They couldn't place her in Lincoln. Where did the 12-year-old that allegedly, and I think now has admitted to it, violently stabbed the other 12-year-old go? Right back into the neighborhood she left so that the 12-year-old victim that sees her 12-year-old aggressor gets to live in fear every single day that she goes back to Stanton, Nebraska, and that's what we call juvenile justice reform in the Legislature. It's wrong. Stop-- stop putting barriers in front of county attorneys. Let them use the criminal court system. You're going to read a letter here from Madison County Attorney Joe Smith. This is the county attorney that I represent, that has about 90 percent of the population in my district. He writes, and you'll see it soon: This bill, if passed, will jeopardize children and deprive the state prosecutors of meaningful opportunity to "involve" in a child's life at a time when truancy has not led to greater problems. I particularly remember one case where a juvenile had several issues, including truancy, and eventually ended up on death row. When are we going to start trusting prosecutors? When are we going to start trusting juries? When are we going to start trusting judges? Everybody wants to play hindsight 2020, when we're in the Legislature, about why our prison population is doing this. Why don't we talk about victims? Why don't we talk about the people who are getting stabbed by 12-year-olds? Why don't we talk about what happens to somebody that's truant and you can't get their attention? Because of the changes we've made in juvenile justice, a lot of these teenagers go to school and

scoff at the lack of accountability that prosecutors now have to get their attention. Probation officers, our entire oversight system for juveniles, they're geared not to detain people. They're geared not to take away. We've turned this criminal justice system into one big social-- a social worker network of people because it makes us feel better. It makes us feel better about what's happening to kids. Accountability-- when you hold a young person accountable for their actions, you get better results when there is that option. Now what you're going to find out in Madison County is that if you're truant, we don't put you in detention. We put you in a pretrial program. We have accountability officers. We are watching to make sure you're going to school because the goal is to get you to school, and yet now we want to--

HILGERS: One minute.

FLOOD: --put this new standard on there that basically says excessive absenteeism. Why don't we call it what it is: truancy. What's wrong with the word "truancy?" What's wrong with calling it what it is? Excessive absenteeism is another feel-good moment for us in the Legislature to put our arms around children. By the way, some of these children are stabbing each other. They are public safety threats. We're not talking about that with simple truism-- truancy. But I think this goes too far. I'm against it. My county attorney's against it. He has a two-page letter that clearly outlines why this is not a good bill and it needs to be stopped. And we need to put a stop to the overhaul of our juvenile justice system because what we've already done in the last ten years is compromising public safety. You have 12-year-olds leading State Patrolmen on chases, shooting guns back at a cruiser because I think there's a lack of accountability in the system.

HILGERS: That's time, Senator.

FLOOD: And I will get the article on that and pass it out. Thank you, Mr. President.

HILGERS: Thank you, Senator Flood. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President, and good morning, colleagues. Like my colleague, Senator Flood, I rise wholeheartedly opposed to AM1510 and LB568. And to start with, like this is a consistent position I had on General File. AM1510 doesn't address my concerns. I think we've, as Senator Groene mentioned on his earlier turn on the mike, swung this

pendulum way too far in the wrong direction. We-- we're chipping away and LB568 eliminates a critical tool in early intervention for kids who are skipping school. And when we're talking about kids skipping school, truancy, like habitual truancy is missing months of school at a time, and our law enforcement, our county attorneys, have made it clear that that chance to intervene when they start skipping school before they start stealing cars, going on police chases, and stabbing kids, that early intervention tool gets kids in line before their behaviors escalate. Once again, we're taking away another tool from our law enforcement officials to help these juveniles and help keep them out of the prison pipeline. This is something this body has talked about for years, the school-to-prison pipeline. This eliminates such a useful tool to keep the behaviors from escalating, to get these kids back on the right track and back on-- back in school. And with that, I'd like to yield the remainder of my time to Senator Flood.

HILGERS: Senator Flood, 3:32.

FLOOD: Thank you, Senator Slama. As you're going to see in a letter that's being handed out right now, and I'm going to read a portion of it, Madison County Attorney Joe Smith basically says we have with-- that he started in 1984. He's been the county attorney since 1990. When he became county attorney, he inherited a juvenile diversion program that had been going on for 15 years. That's the diversion program that I serve as a board member on. The program continues, as it always has, on a community-based program, meaning we raise money from the community to provide this juvenile diversion. The board of directors are citizens. We have within that program addressed truancy issues and many other legal issues that children have become involved in over the years. In our experience, consistent with research and consistent with logic, when a child is presented to us either because of something the child has done or something their parents have done, truancy is often an issue. In addition to the diversion program in Madison County, we also have a juvenile accountability program, which Madison County Attorney Joe Smith started. He started this program as one of the first in the state. The program works with Probation, the schools, the police, and the community with respect to children who, for whatever reason, present themselves in some unhappy circumstances contemplated by the juvenile code or the criminal code. And-- and I-- I would just offer to you, like, counties are dealing with this, elected officials that are elected within their county that have been charged with the duty of enforcing the law, they don't have some sick ambition to lock up kids for truancy. They aren't trying to drag them through the court system. But sometimes you have to use that, and it

may-- it may be more often than we like. And creating a new standard called "excessive absenteeism" doesn't do anything to solve the problem. It puts another barrier so we can feel good in the Legislature that we're helping these kids. And when you read this letter from the county attorney that I represent, you're going to see very clearly that rural counties like mine, like Lincoln County, like Dodge County, like Platte County, the county attorneys are working with police, schools, probation officers. They have alternative education schools within their school district. Children who are suspended from school or children who have behavioral issues often hinder their education and the safety of their classmates and commonly need special supervision. There are times when a truant needs to be detained--

HILGERS: One minute.

FLOOD: --and we are creating a system where you can't get anybody into detention. And we are saying, look at all the problems we've solved, look at all the kids that we've kept out of detention. Well, I toured the juvenile detention center. They have a school inside the juvenile detention center. They have certified teachers that are doing their best to provide a quality K-12 education inside that system. So let's not fool ourselves by thinking that we're doing something today that's-- that's going to be a great problem solver or save all this money. We have the infrastructure. We have a justice system. Trust the people that are elected by the citizens of their county to send the juveniles into the court system that, in their opinion, meet the boundaries of the law without putting some feel-good barriers in front of it so that we can all say we solved a problem. This is yet another step in juvenile justice reform that is causing us to have a public safety problem. And when I get up next, let's talk about how removing criminal offenses or not prosecuting crimes--

HILGERS: That's time, Senator.

FLOOD: --in California has worked for them. Thank you.

HILGERS: Thank you, Senator Flood and Senator Slama. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. I actually wasn't going to get up and even talk about this bill. I was going to talk about Omaha. But that was-- that was a great tough-on-crime speech. The reality is, have that same consistency when we try to do criminal justice reform about

trusting judges when we want to get rid of mandatory minimums, because we don't trust judges then. It's easy to get up and talk about one or two issues. But the reality is, as a state, they don't operate the same way as in Madison County. Some states don't even-- some parts of the counties don't even have juvenile diversion programs. This money-- this bill adds money to make sure everybody can have access to the same programs that you're speaking of. But what I really came up to talk about today was-- Senator Groene, you'll like this-- Omaha has extremely blighted the entire downtown. I don't think that was the intent when we passed that legislation, Senator Groene, to extremely blight all of downtown that has currently a million-dollar project on the headquarters-- a \$100 million project on the headquarters of Conagra's old campus. That is extremely blighted. And I don't believe this body intended, when Senator Groene and I worked on this for two years and then took it to the voters, that a Fortune 500 campus, when they decided to leave, that has the Omaha Chamber and some of the most well-funded nonprofits and foundations on that campus, would extremely blight downtown. I just don't think so. I am all for Mutual of Omaha moving its headquarters down there, but we have bills this year and in my committee, and we are going to take a very hard look at extremely blighted to make sure downtown does not stay extremely blighted for the next 25 years. The purpose of that bill and that constitutional amendment that voters approved was to make sure areas like north and south Omaha, areas that are rampant with poverty and lack of investment in North Platte could get funding and access to funding to put some dollars into those areas. It wasn't for downtown Omaha. It wasn't to put up a streetcar in downtown Omaha. So there are at least three or four bills in my committee. One will come out. And so the city of Omaha, League, if you're listening, we should probably start having a conversation today or we are going to fundamentally change how extremely blighted is done across the state. And I know I have Senator Groene's support because that's how we passed this bill, was to make sure it didn't happen. Back to the-- this actual bill we're going to talk about, all this bill does is requires prosecutors to use reasonable efforts and to try diversion first. I'm probably the only one who actually practice in juvenile law in this body. And if we want to stand up and say we have to throw kids in the prison or we have to put them in jail, there are situations that has to occur and those situations can still occur under this bill. Tell me in this bill where it can't occur. But what's happening, and what we're seeing what's happening, is people are being thrown into the system too fast, too early. And here is the stat. Once you're in juvenile, the juvenile system, you are almost guaranteed to go into the adult system. So the

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reason for early intervention is to keep them out, to stop it before it becomes a problem. And just because you skip school--

HILGERS: One minute.

WAYNE: --doesn't mean you're going to go steal a car. I think everybody here had had a senior skip day. Are you all-- have you all stole cars? It's easy to get up here and talk about tough on crime. Well, then be consistent when we have Judiciary bills come out about trusting judges, trusting prosecutors, because this body passed mandatory minimums because you said you didn't trust judges, you didn't trust prosecutors. So be consistent. So if we want to have a dialogue about consistency, I will be up here. But if we're going to keep talking about one thing and actually doing another, I'm gonna go back downstairs and let you guys continue to talk. Thank you, Mr. President.

HILGERS: Thank you, Senator Wayne. Senator Groene, you're recognized.

GROENE: Thank you. And, yes, on extremely blighted and lowering my micro-TIF, I just-- it amazes me sometimes what greed will do, to abuse something that was meant for the poor and the individual to be abscond [SIC] by those who have the money to build it anyway. But anyway, to the point here, I echo Senator Flood. I know in my years of no sheriff-- hope I pronounced that right, Senator Wayne-- county attorney, or judge who just is mean-spirited and wants to hurt a kid. Truancy, everybody understands it. It is written into probably every single probation that a child-- kid remove-- receives as one of the conditions, because normally, if you get a misdemeanor or any of the felon-- a felony or any of the other sub-- truancy is involved, so it exists. So now all of those probations are going to be changed to absenteeism, excessive ab-- but who-- who defines that? It's not defined. Look in the-- the definitions. The word "absenteeism" has many applications: missing work. You're on a volunteer board and you don't show up. When you look up the definition of truancy, it is directly related to public-- to education and missing school. That word belongs in the law. It has been in the law. It served us well. Judges and the courts only use, as I was told by a judge, as the last resort to charge them with truancy. And I have been told by judges it turns a lot of kids around because when they sit in that room with a judge and that judge looks at them, young man, you're going down the wrong path, it is their last chance. It is their last chance to go back to their peers and say, I'm not skipping school today, I sat in front of a judge. Now mom and dad have the support of the legal

system. Let me also explain to you, a child under the age of 11 and under cannot be charged with any crime. The parents are. In the case of truancy, the parents are charged. We're talking about kids from 12 to 16 because you can start-- drop out of school at 16. We're talking about that young teenager, raging hormones. Mom's having a hard time controlling them, but it's too late to be charging mom. That kid now stands alone, like it or not, for his actions. And the court system serves a purpose. If you want to volunteer, you want to go hug kid kids and stand in line and say, bring me this kid, I'll hug him and that'll change his life, well, you go ahead and try. Sometimes it takes hard medicine, hard facts presented to them that you're going the wrong way. And please don't be extremely absent, maybe mediocre absent.

HILGERS: One minute.

GROENE: Maybe just miss once in a day. Who's going to define that in court? It's not there. Truism is in case law-- truancy, I mean. I guess truism is there, too, if we put your hand on the Bible. But anyway, this is nonsense. I don't know how else to say it. It's nonsense. It's a problem. I want-- I'd like to know where it came from, what kind of a think tank, liberal think tank in the nation brings these things to state legislators, because has it been a problem in Nebraska? Has anybody heard from anybody who says this is a problem, that there's not enough options by your county attorney to put them into diversion, get them into probation, and then as a last resort use a charge of truancy? Nine hundred and ninety-eight cases of sub (3)s? That's wayward, that's continued disobedience, and truancy is basically in that sub (3).

HILGERS: That's time, Senator.

GROENE: Thank you.

HILGERS: Thank you, Senator Groene. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. Speaker. I stand in opposition of LB568 and AM1510. I'd like to yield the rest of my time to Senator Flood.

HILGERS: Senator Flood, 4:45.

FLOOD: Thank you, Senator Lowe, Mr. President, members. You know, Senator Wayne talked about trusting judges, talked about prosecutors. Prosecutors had a problem in 2009 when they became-- when they came in front of the Judiciary Committee of the Nebraska Legislature. Senator

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Aguilar and I and Senator Pahls were here. And at that time, they were counting north of 60 homicides in Douglas County. Gun violence was at an all-time high. We knew that we couldn't, as a state, arrest ourselves out of the problem, but we were seeing a situation where people were coming into the system and they weren't staying. And prosecutors said we have to increase the penalties so people know that if you are involved in the commission of a crime and you're using a gun, you're going to do some serious time in prison, and that's why we put the mandatory minimums there. That was what we were responding to, and we were doing that because county attorneys like Don Kleine from Douglas County, Joe Kelly from Lancaster County, Sean Eatherton from Buffalo County, they were in front of the Legislature talking about some of the real challenges that they have with the criminal justice system. One of the things that I think's interesting is we see a problem in this state and we try to craft a legislative solution to deal with it. Now I see some value in drug courts, but sometimes I wonder, are we blurring the duties between one branch of government and another too much? Are we basically saying to judges it's OK to basically have somebody on the line here in a judge court-- in a drug court and have the ability to hand out jail on-- on just minimal evidence or to review with their caseworker in a back room, away from the public view, all of their records and their treatment records and all of that because we want to solve the problem? But are we creating a system that waters down the true differences between and the separation from each one of these branches of government? In this case, we're basically telling a member of the executive branch that before we're going to let you go to court-- and by the way, you're a licensed officer of the court. You are a prosecutor. You have the ability to file on behalf of the people of your county an action in the county or the juvenile or the district court of the county of jurisdiction. And when you file that, it says the state of Nebraska. It doesn't say Joseph M. Smith or Don Kleine. It doesn't say County of Douglas. It says you are the state of Nebraska, and we empower them with that requirement that they enforce the law. And now we're here in the Legislature and we're trying to-- we're trying to move all of the buttons so that they can't get there very easily with-- with a term called "excessive absenteeism" because our goal is to stop people from going into the court system, the court system that is a separate-but-equal branch of government that exists to solve disputes and correct behavior. And we're telling the person who was elected in their county by a majority vote that they can't use what they have been given in their branch of government, the power to charge someone as the state of Nebraska, unless they take these four steps. If you

want them to have the resources, then give them the money, but don't make it harder to get there.

HILGERS: One minute.

FLOOD: Don't create a new standard that the Nebraska Supreme Court is going to hear from a defense lawyer in-- in Kearney County, they're going to hear from a defense lawyer in Wheeler County. They're going to say, well, this isn't excessive absenteeism, he was sick, he had mono, his mom was sick, he had to be with her for the treatments, he's her translator. Let the county attorneys use their discretion. Let them set up diversion programs. If you want diversion programs, fund the diversion programs. Vote for Senator Groene's amendment. I'm against LB568. I'm going to vote for AM1510 because I want that as an insurance policy, but I don't want any of this to pass. And I think if you do this, you're going to get a call from your county attorney and he or she is going to say, what are you doing down there? We had a system. It's working in Jefferson County. We had a system. It's how we do things in Hall County. You want more diversion programs? OK. You want me to be a social worker as a county attorney? I had-- I signed up to be your attorney.

HILGERS: That's time, Senator.

FLOOD: Thank you.

HILGERS: Thank you, Senator Flood and Senator Lowe. Senator McKinney, you're recognized.

McKINNEY: Thank you, Mr. Speaker. I would just rise and say that during the Judic-- well, I rise in support of LB568 and AM1510. Just last week, we had county attorneys in Judiciary admitting that they-- they think it's OK to lie to kids, so why should we trust them? They think it's OK to lie to kids or be deceptive or however they want to frame it. Our county attorney, for example, over-incarcerates black kids. Majority of the kids in DCYC in Douglas County are black. They built the jail that is going to house primarily black kids. So why should I trust them? We need to pass bills to help family. That's the driver of truancy. A lot of the individuals that I went to school with that were truant were dealing with issues in the home, not having water, not having heat, not having proper transportation, not having food. That's why most of these kids are truant. We're not meeting their needs as a-- as a state. We need to provide them with more mental health and things like that. But just to say no to this, just

because we need to trust individuals that believe it's OK to lie to kids, is an issue for me. That's unacceptable. We need to be helping the kids. We shouldn't try to steer them into the system. We should do as much as we can to prevent them from ever entering the door to go to diversion. That's why we need to provide these families across the state with the resources they need. These issues aren't just in north Omaha. They're in Scottsbluff and wherever else. That's the issue. We're not meeting the needs of Nebraskan families, and we're using the courts and the law to enforce things on-- on these kids when we're failing them, we're not providing them with the basic needs, not helping the families, denying bills year after year that would help families in the system and not living in poverty and things like that. But to just stand up and say we should trust individuals that think it's OK to be deceptive towards kids is an issue for me. I cannot trust anybody that think it's OK to use deceptive tactics to lie to kids, encourage them to say something that's not true. That's unacceptable. And I'll yield the rest of my time to Senator Pansing Brooks. Thank you.

HILGERS: Senator Pansing Brooks, 2:30.

PANSING BROOKS: Thank you, Senator McKinney. Well, this is an interesting thing where Senator Flood is deciding to lead an extended debate against this. If you look in the statutes, Senator Flood, in the education statutes, there are numerous places where we use the phrase "excessive absenteeism." This is not some new idea that I just came up with out of the blue, not some new plan to change the statutes and make things easier. You talked about the value of diversion. I agree with you. I'm-- I'm grateful for the work of your father. That's a wonderful thing that he did. And I have heard from county after county after county and judge after judge after judge who has told me they do not have enough dollars in diversion, they do not have enough money to help those kids, and their only option is to arrest and take them out of school one more day. The counties are happy to get 3 million extra dollars. And this is not a tough-on-crime issue. This is an issue where-- and we got those letters from the county attorney. My kids did. They were involved in student council. They were involved in singing groups and they missed school, and I had to call the county attorneys and tell them. And fortunately, I think be--

HILGERS: One minute.

PANSING BROOKS: --because of-- of my connections and because I'm-- I'm very fortunate, we were always able to get the county attorneys not to

charge my children with excessive absenteeism or truancy, whichever phrase you like from our statutes, either one. But my children did not get charged. We know that kids are getting charged, they go into court, they have an extra day. The counties are paying for the court time. They're paying for the county attorney. And instead, we could be sending them to these fabulous programs that you're talking about. All sorts of counties across the state are not as fortunate as Norfolk and do not-- or as Lincoln or as Omaha-- and do not have the diversion money to be able to have a program. So you're right. Norfolk doesn't need it right now, and I want to make sure that your county attorney has read the newest version of this because all they have to do is expend-- extend every effort--

HILGERS: That's time, Senator.

PANSING BROOKS: --to use diversion prior to charging a child in court. Thank you.

HILGERS: Thank you, Senator Pansing Brooks and Senator McKinney. Senator Flood, you're recognized.

FLOOD: Thank you, Mr. President. Can I ask Senator Pansing Brooks a question?

HILGERS: Senator Pansing Brooks, would you yield?

PANSING BROOKS: Sure.

FLOOD: Senator Pansing Brooks, you got a letter from the county attorney for your children's absences. How many times were they absent? Because that would-- that would be jarring to me to get a county-- a letter from the county attorney. How-- how many times do-- are they absent in order to qualify for one of those letters?

PANSING BROOKS: I can't remember right now. That was ten years ago or something.

FLOOD: Well, thank you, Senator Pansing Brooks. That makes my point. The Lancaster County Attorney is elected. At the time, probably a male, probably either Gary Lacey or Joe Kelly, they've got a lot of laws to enforce. They're talking to the school district. They're getting information on students that are not showing up to class and they're sending people letters. All of this is window dressing. All of this is something done to make us feel good. If you want diversion programs to have more money, then let's adopt Senator Groene's

amendment, give them more money, and not change the rules because it's working. County attorneys are paying attention. I can tell you, I was involved in a case in Pierce County where a young man wasn't getting to school as much as he should. They filed the action. It got everybody's attention. It was dismissed. Sometimes that's the way it works. They don't issue a warrant. They don't-- they don't go to the juvenile's house and handcuff them and take them in and book them. Juvenile court doesn't work that way. I mean, in my opinion, the-- the rules of evidence don't really apply in a juvenile court. It's the closest thing we have to a drug court. It's basically a place where you solve problems. And, yes, you do get the young person's attention when somebody is sitting at the other end of a table that has a ro-- a black robe on and they are saying, listen, if you don't shape up, there's not good things in your future, there's places like juvenile detention and Kearney and, at one time, York or Geneva. That gets kids' attention. And if your county attorney, who is elected, wants to put everybody through diversion, then the people of your county should elect that person. We should ask Senator Morfeld what kind of diversion program he's going to have, because that's the government closest to the people. That's where you get to decide in your county. Guess what? Some counties may say, we have a juvenile court, we're going to have it anyway, if somebody is not showing up for school, that's where we want them to go. And that's the choice of the people of Brown County, Nebraska. We have a juvenile court. Use it. The court is to hear cases of people that are alleged to not have followed the law. That's what it's for. And so I just-- I think this is just going to complicate things. I-- I think that if you want to give diver-- diversion programs more money, I would consider that. I'd have to look at the fiscal note on what Senator Groene has. But this amendment basically says, well, we're going to make ourselves feel better with the idea of using the words "excessive absenteeism," creating a new standard in the juvenile code that one county attorney and one county court judge may see different as somebody else, so that we can debate over what excessive absenteeism is. You know, we have a rule in this state that kids have to go to school for so many days. Why don't you put an exact number on it if you want to get specific? Then everybody can live under a standard that's not nebulous like this. I just think this is a waste of our resources as a Legislature to be in the middle of this trying to feel good about helping children that are going through the system when we haven't really done anything with this amendment other than say excessive absenteeism is no longer truancy. Maybe we can say-- maybe we can change the names of some other crimes and we'll feel better about their outcomes. Maybe we can call--

HILGERS: One minute.

FLOOD: --vandalism something else, like defacing a wall, and it doesn't sound as bad-- as bad as vandalism. Maybe we can make theft like taking somebody else's things and we have less thefts. Truancy is truancy is truancy. Let's keep the statutes the way they are, encourage diversion, and move on. Thank you, Mr. President.

HUGHES: Thank you-- thank you, Senator Flood. Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. As this came up before, I-- I voted against it and I didn't talk about it at that point, I don't believe. I kind of looked back to see how the debate went. And I'm going to take a little more philosophical view of all this. I think this is another one of those times where we're trying to make the-- the justice system more user friendly, you know, and give people more chances, tell the judges and the prosecutors how to operate. Who would do anything if there weren't laws against truancy or theft or murder? I mean, if-- if the world were filled with six people, you know, and you keep them far enough apart, you could do whatever you want to do. But part of civilization is we set certain rules and boundaries that we should follow and as we grow up, we learn how to exist in that system, how to follow the rules enough to grow up and be civil to our fellow citizens. So I look on this bill as another one of those cases where we're trying to excuse bad behavior or put handcuffs on the prosecutors and telling them, well, you know, we gotta give this kid the seventh chance and the eighth chance and the ninth chance. A lot of times people just aren't going to do what they're supposed to do and when they don't do what they're supposed to do, there should be consequences and they should be called to account for their actions. And if you don't do that, then they're just going to keep going and doing more and more egregious things, and unfortunately some turn out that way, some turn out to be in jail. But if you're not going to follow the rules at an early age, I think that's the time that they should try to form those young minds so that they don't wind up in the State Pen when they're 25, or 21, for that matter. Thank you, Mr. President.

HUGHES: Thank you, Senator Moser. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. Colleagues, I want to-- colleagues, and, probably more importantly,

people of Nebraska, people outside this Chamber watching, I want to just kind of illustrate something and kind of talk about our process a little bit. We've had a couple speeches already by Senator Flood talking about his letter from his county attorney, and he's passed that out. And I appreciate that and I recognize that every county attorney in the state has policy expertise and the ability to lobby the Legislature, the ability to convince their senator to work with them. The reason I'm bringing that up is yesterday Senator Pansing Brooks passed out a letter from my county attorney here in Lancaster County, also serving as the president of the Nebraska County Attorneys Association, in support of this bill and of-- in support of this amendment. And so we have, of course, in Nebraska a variety of different groups, excuse me, that work together to work for the Legislature, one of which is the Nebraska County Attorneys Association. And of course, in Nebraska, we don't use the term "district attorney" or "state's attorney." We use the term "county attorney" and those are our county-level elected prosecutors. So when you hear "prosecutor," we're, almost in most instances, talking about the county attorney. And again, other states use "district attorney," "state's attorney," things like that. We use "county." And so the Association of County Attorneys appears to be in support of this bill, and the Association of County Attorneys appears to be in support of this bill, led by my own county attorney. And I've heard from one county attorney now opposed. In my mind, that's 92 to 1 at the moment in terms of how the counties feel about this. And I understand one voice might have a valid point, one voice might have good perspective that the others didn't incorporate, but when a senator is tasked with solving an issue, when a senator is tasked by their colleagues with negotiating some sort of compromise, with going forward, having the ability to work with the association that purports to represent the industry, purports to represent-- not the industry in this case but the group of elected officials, just like working with the League of Nebraska Municipalities, the Nebraska Association of County Officials, all of the other ones that we have, that's-- should be a good indication that the group as a collective supports this and is OK with this when they're willing to have one of their elected members as their head send a letter signifying that. I want to just share and point out that that's like what we're dealing with. So if there-- if there's ever the notion of, oh, we should go get Lancaster County to figure this out, Lancaster County has-- Pat Condon signed a letter in support of this amendment and of this bill. That's the level and that's the place that I'm coming from. I had more I maybe wanted to get to, but I wasn't expecting to come up in the queue this fast, so

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I'll yield the rest of my time, Mr. President, to Senator Pansing Brooks if she'd like it.

HUGHES: Senator Pansing Brooks, two minutes.

PANSING BROOKS: Thank you, Senator Hansen. Well, I really don't have that much more to say because people in here have decided to vote-- some people have decided to vote against their counties, not to give money to help them do diversion, one of the most important programs that we have for juveniles. Nebraskans, you should ask your senators why it is that they voted against money to your county to help with diversion programs. This isn't an attempt to get bad kids free and on the road and on the streets. It's an attempt to realize that we had passed a law that judges disagree with, that the schools disagree with, and now even the county attorneys disagree with.

HUGHES: One minute.

PANSING BROOKS: So what we're trying to do is not have the child miss one more day of school by forcing them to come into the courtroom, one more day of school away from education and opportunity. If it's a child that can't learn from the diversionary programs that are excellent, I hope-- if you don't know about diversion, I guess we can educate you, but it is-- the diversionary programs, as Senator Flood said, are amazing programs across our state and we need-- and in fact, Senator Groene has added an amendment to add more money to diversion. Mine just happens to move it seamlessly because of the change from Probation to community aid. It's a win-win for our state. Community-- Probation surprised me with that when the fiscal note came out. They surprised me and they said, no--

HUGHES: Time, Senator.

PANSING BROOKS: --we're going to save money by diversion. Thank you.

HUGHES: Thank you. Senator Hansen and Pansing Brooks. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of this bill and this amendment as I voted for it previously, as some people who now have changed their mind and are speaking ferociously against this bill also voted on the first round. I will be consistent in my vote, just like Senator Slama, and vote for this. So we are having a bigger conversation in the Legislature as a whole about criminal justice reform and about our system. And Senator Wayne is

correct that he is probably the only person who's practiced in juvenile court. I've spent a lot of time in the courtroom, in the criminal courtroom, but not in juvenile court, so this is not my particular area of expertise. But there-- as Senator Flood correctly pointed out, that some people come into the juvenile justice system and they end up doing horrible things later on, and we have a number of those stories. But the studies and the-- the objective information will tell you that a lot of people, a lot of children, once they get into the system, continue in the system and that it is a per-- self-perpetuating. And so the objective is to get an outcome, right? We all-- I think we all agree. And this is my stated goal and I will state it again, that I would like an outcome of reduced crime, I would like an outcome of fewer incarcerated people, fewer necessity to incarcerate people. And so when I hear things like, as Senator Flood said, this is how we do it in X County, that is a problem. "This is how we've always done it" has gotten us to where we are now. "This is how we-- we do it here" means that there is a different way they do it in Stanton County than they do it in Douglas County, than they do it in-- in Madison County, than they do it in Lancaster County. And the reason we pass laws, we are a-- a society of laws, as Senator Moser said, is so that we have consistency in application of the law across jurisdictions. And so what we're saying here is this is an outcome-oriented solution. We are looking towards how to solve this problem and we are looking for a way that will solve it across jurisdictions, not just the places that are doing it right right now, but so everyone can adopt best practices and do this right. And so the reason we have gotten to where we are now, the reason "how we have always done things," is because people make fiery political speeches that are meant to make them look tough on crime because that is popular. And our job is not to do popular, it is to do right, and what is right is to take actions that some people don't like, that some people may criticize, but are the right thing to do to decrease our prison population, to decrease crime, to help children go to school and to function in our society. And so this bill admittedly doesn't go far enough for me, but I'm supporting it because it goes farther than the system does now. And I would just point out, for people who are sitting here railing against the word "excessive absenteeism," 79-209: Compulsory attendance; nonattendance; school district; duties; collaboration plan; consideration; referral to county attorneys; notice. Section (4) Nothing in this section shall preclude the county attorneys from in-- involved at any stage in the process to address excessive absenteeism. That is already the standard in the statute. This-- this proposed legislation by Senator Pansing Brooks complies,

ma-- matches up to the definition, the language we are currently using in ex-- the-- the attendance and nonattendance section of the statute. The section above that says that the schools, after 20 days of absence or more, the schools shall notify the child's parents in writing--

HUGHES: One minute.

J. CAVANAUGH: --prior to referring to the county attorney. So this section of the statute already contemplates the language we're talking about here. But the bigger question is not that definition, which is a red herring conversation and could be fixed in a genuine conversation, but whether or not you are serious about taking action to fix the problems we have or you just want to grandstand and say we have-- I want to be tough and I'm going to stand in the way of progress. We need to solve the problems we have. We have serious problems. They need serious answers and they need people to be engaged in them. We do not need people to stand up here and make commercials for their campaigns. Thank you.

HUGHES: Thank you, Senator Cavanaugh. Senator Lathrop, you're recognized.

LATHROP: Thank you very much, Mr. President. Colleagues, good morning. Joe Smith is a friend of mine. I may-- you may not know this about me, but when I first got out of law school in 1981, I had a-- very much a general practice that included going over to the county court in Douglas County, where I would run into Joe. Our paths crossed frequently. We were both engaged in-- in a lot of misdemeanor defense work at the time, and we've both since moved on from that. Joe's now, of course, the county attorney in Madison County and remains a friend of mine. I respect Joe, Joe Smith. Joe Smith, you know, we think of rural Nebraska and we think of Madison County as rural Nebraska, but Madison County experiences some of the big-city problems, maybe on a smaller scale, but-- but he is a serious prosecutor and-- and remains a friend of mine. That said, I see that we have a letter from the County Attorneys Association that says they're in support of this bill as long as AM1510 is attached. And I want to go back. I'm kind of torn, and I don't know if I have enough time to talk about both the process that we try to go through, talking to associations to find out are you good with this, like we can't go around to all 93 counties and if it involves the county board, talk to the county board members in 93 counties. We try to talk to NACO, right? If it's the county attorneys, we try to talk to the County Attorneys Association. If it's the Sheriffs' Association, we don't talk to 93 sheriffs. We try to

talk to the Sheriffs' association and allow them to work whatever process their association has before they can represent that they're OK with a compromise. Now this bill came to Judiciary Committee and this topic has a history, and I was around for a lot of it. When I served previously, and Senator Ashford was the Chair of the Judiciary Committee, a lot of people came to him-- and if you didn't know Brad, or Senator Ashford or former Congressman Ashford, he was a guy that would spend the interim working on an issue. And one year it was truancy because we recognized what Senator Groene's been saying this morning, which is, when you start seeing a kid missing school, when you start seeing a kid missing school, you can look at-- at the kids who end up with serious criminal behavior or end up in prison and you can find that generally they started out by missing school. Now not everybody that misses school is going to end up in the prison, but it demonstrates that you're sort of getting disconnected from the rules, from compulsory education. And so Senator Ashford put a bill in that was supported by this body that basically engaged the entire county-- juvenile court system and the county attorneys and, good God, did it backfire. We had people getting calls because their kid was sick a couple of times and now they're-- now they're getting a call from the county attorney and unbelievable backlash. And we've been trying since then, recognizing that this is a really important topic. This is a very important topic. Senator Groene is right. This is an important topic because it says something about this is the beginning of a problem for a child who may very well end up involved in our criminal justice system.

HUGHES: One minute.

LATHROP: And we've been trying to tweak it since then. We've been trying to tweak it and find that happy medium. So this bill comes into Judiciary Committee, and I hope you'll look at the committee statement because on the committee statement is a fellow named Larry Gendler. Judge Gendler is a friend of mine. I've known him for as long as I've been practicing law, and he's regarded as the dean of juvenile court, like when Judge Gendler says this would be a good idea, that's probably a good idea, and he was in full support. And this bill cleared General File, and since then Senator Pansing Brooks has tried to sit down with, and did, the county attorneys and the County Attorney Association said, yes, you put this amendment on there and we're good. I don't know what else we're supposed to do around here. We had input. The only opposition came from the county attorneys--

HUGHES: Time, Senator.

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LATHROP: --and here they are. Pardon me?

HUGHES: Time.

LATHROP: Thank you.

HUGHES: Thank you, Senator Lathrop. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Will Senator Flood yield to some questions?

HUGHES: Senator Flood, will you yield?

FLOOD: Yes, I will.

WAYNE: Senator Flood, a prosecutor can't charge crimes unless we grant them power to actually charge that crime, correct? So if-- we have to pass a law for them to-- to actually charge a crime, right? They-- they just don't have crimes on their own. We actually set what crimes they can charge, correct?

FLOOD: Well, all the authority comes from the state. Some city attorneys can charge a city ordinance.

WAYNE: Correct. And so county attorneys who represent the state, because that's what we're talking about, at least that's what you were talking about, they have to have certain elements in a charge-- in a crime in order to charge it, correct?

FLOOD: Yes.

WAYNE: And that's set by us.

FLOOD: Right.

WAYNE: They have to follow multiple statutes that we actually pass. Isn't that true?

FLOOD: They do.

WAYNE: So it's not unheard of for this body to outline what prosecutors can and can't do.

FLOOD: Well, I think the thing that you're not taking into account is the process of diversion, which is the relying on the prosecutor's discretion as to when to charge and when to use a non-court procedure

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to-- to affect the behavior, which is not something we can affect. It is an elected official's prerogative as a county attorney as to when or when not to charge somebody with a crime. And so this wades into that body of water, which I think makes it a lot more murky for what you're trying to establish here in this line of questioning.

WAYNE: I would agree with you, but we also have diversion programs in statute now, correct?

FLOOD: We have diversion programs. We have a lot of diversion programs that have been operating long before there was a statute on diversion.

WAYNE: So we're already in the murky waters, correct?

FLOOD: We are.

WAYNE: OK, so it's not unheard of for us to tell prosecutors what they can and cannot prosecute and when-- when they should have discretion and when they can't.

FLOOD: Well, I don't think that on most of our criminal offenses we require some non-court action before they file a complaint in the county court or a petition.

WAYNE: I agree. We don't do it at all. I noticed that you are a co-sponsor of the getting rid of carry concealed. Is that correct? Your-- you support Senator Brewer's bill?

FLOOD: Yes, I do.

WAYNE: Doesn't that take away a tool that prosecutors can use to prosecute?

FLOOD: Well, it-- it respects an inherent right that I think citizens have under the Second Amendment, which is, you know, you have to balance everything, as you know, Senator Wayne, with what you think someone's rights are that are guaranteed to them. And I think that what Senator-- Senator Brewer is doing is-- is a logical extension of what we've already done with concealed carry, which I was part of when I was here.

WAYNE: So-- so what changed from General File to Select File for you?

FLOOD: Well, that's a great question. When I was here last fall or last year, I did file an amendment that would have addressed the

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juvenile detention situation because we had a 12-year-old that wasn't able to be detained. And Senator Pansing Brooks was very opposed to it and she said we need to work on this between-- in the interim.

WAYNE: But I just want to-- I-- so is-- you had--

FLOOD: And that's what changed. That's what changed.

WAYNE: That you had a 12-year-old?

FLOOD: I didn't get a call over the summer.

WAYNE: No, no, you're fine.

FLOOD: But I did go to my juvenile detention center and I did go talk to prosecutors and I did go talk to law enforcement and they are sick and tired of what's been happening with the juvenile court system and juvenile justice reform, and that's why I'm back.

WAYNE: In your area, right?

FLOOD: Actually, I've heard from Omaha police officers that think that a lot of this juvenile justice reform has compromised public safety.

WAYNE: So in 2009, were you here?

FLOOD: Yes, I was.

WAYNE: So while you take credit for being tough on crime, you-- are you taking credit for a doubling the prison population?

FLOOD: Let's be clear on something. When I was here in 2009, Senator Lathrop was, I believe, in charge of the Judiciary Committee. Senator Ashford--

WAYNE: I can-- I can ask Senator Lathrop those questions.

FLOOD: Senator Ashford was the Chair of it. Senator Lathrop was on it. They put a bill forward that increased these penalties. I listened to all the prosecutors. I looked at the gun violence. I looked at all the bloodshed that was happening in--

HUGHES: One minute.

FLOOD: --certain areas in Nebraska, and I said, yes, we need to get a handle on this, and I'm not going to apologize for sending people to prison that are using guns in the commission of crimes.

WAYNE: So do you feel that since we're the-- there's only two states in the entire United States over the last decade that has increased their prison population and Nebraska is one of them. Do you not feel that there's an inherent flaw in this system?

FLOOD: Well, I think we should talk about public safety and victims. And I don't-- you know, I-- I think we can certainly-- you know, I'm-- I haven't read this--

WAYNE: So let's talk about victims. What about the victims who are innocent in prison?

FLOOD: Well, that's-- that's--

WAYNE: What about the victims who are overcharged and overpoliced?

FLOOD: If someone's in prison and they're innocent, we should-- the-- they're--

WAYNE: Do you believe that people are overcharged and overpoliced?

FLOOD: That's a pretty broad statement that calls for speculation in an area of-- you know, if you're asking about it in your community, I don't know. I have a lot of trust in Don Kleine. I think he does things right, but I also have a lot of trust in my county attorney, Joe Smith. I think he's very reasonable and--

HUGHES: Time, Senators.

FLOOD: --defers to diversion.

HUGHES: Thank you, Senator Wayne and Senator Flood. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB568 and in support of Senator Pansing Brooks's amendment. I supported this on General File, and one thing I have learned is the thing to live by is, you're gonna change your vote, you should talk to the person. So, Senator Pansing Brooks, I'm not changing my vote, and if I were going to change my vote, I would talk to you so that we could fix whatever my concerns were. But I don't

have concerns because this bill has been worked on and worked on and worked on and compromised and worked on. And at some point we have to do our job, and our job is to create laws, and the prosecutor's job is to protect those laws and to prosecute them when they are broken. It is not the prosecutor's job to determine what the laws are. That is our job and I take my job very seriously. And despite what people like to say for theater about lobbyists and undue influence in here, I think everyone in here knows that pretty much nobody has influence over me, as much as they wish that they could. I usually do what I think is right, regardless of what anyone else is telling me. I listen to what my colleagues have to say, I study the issue, and I act accordingly. I, of course, care about what prosecutors think because they are doing the work every single day, just like I care about what nurses think and doctors think and teachers, and I listen to them and I formulate an opinion about what is in front of me and the opinion, for me, hasn't changed. This is good legislation. It's fixing something that we tried a few years ago and clearly wasn't doing the work that we wanted it to do, and so we're fixing it. We have a similar bill in HHS that is something that happened and now we're looking to fix it. So this happens all the time. We have all of these like clean-up bills. I guess this rises above a clean up bill because it's political and it can be grandstanded upon. So here's my grandstand: property tax relief. Every dollar that we spend incarcerating children is a dollar taken away from property tax relief. I support criminal justice reform because it is property tax relief. Thank you, Mr. President.

HUGHES: Thank you, Senator Cavanaugh. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I've been trying to read this bill more, you know, how you read it the first time and you read it again. I'm trying to figure out now with this truancy doesn't exist, if a police officer is driving along and it's a beautiful spring day and three kids are walking down the street on a Tuesday about 1:30 in afternoon and they look at that police officer and they head the other direction, if that police officer can do anything. Can a police officer pull them over and ask them why they're not in school? There's no charge anymore. There's no charge anymore for truancy. So how does this kid get into court? Well, you can't get into court because you can't charge him for it. So now the school administration calls the county attorney and says-- or the police and says, these kids, we've tried everything-- and my school district does. They bang on the doors, they try to visit with the parents, and they finally, last

resort, go to the courts. So what happens? This thing says, if the county attorney feels like it, they can try to work with the family and put him in diversion and the family goes, I don't want to go to diversion, they walk out the door. That's what happens, folks. Fifteen-year-old kid who will not go to school all of a sudden because the county attorney who has time on her hands, which they don't, decides to get involved in this kid's life, more like a social worker than an officer of the court, and says, would you go to diversion? Now this kid don't go to school. Now you're going-- he's going to go to diversion? Really? Oh, that-- but they're kind and they're really nice. Ain't gonna happen, folks, ain't gonna happen. I have seen pathetic letters of support before-- apathetic, but you read this from the county attorneys. The first paragraph is basically we have unfunded mandates from the state to do diversion, we think it's a good program, but you don't fund it. And this bill-- by the way, Senator Pansing Brooks's original bill had no additional funding. It was an amendment by the Judiciary Committee of AM264; it added more money. It was done by the committee. Now she can claim her bill has it, but I don't know. The Judiciary Committee amendment had it. And Senator Flood said it and I said it. This is-- rural Senators, this is an unfunded mandate. It's a good mandate, really, but I'm all for funding it so your property taxes don't have to. This bill puts more pressure on-- on diversion and the count-- local counties, and originally didn't get many extra money. Thank God Senator Lathrop noticed that maybe we ought to have more money if we're going to do this. But we got extra money now, so maybe we ought to give some. Senator Flood, could I ask you a question? First, I was deeply involved in this last year. I never got any contact from Senator Pansing Brooks's office that she was working with the county attorneys. I got nothing from the lobbyist for the county attorneys that was-- anything was being worked on. Did you get contacted?

FLOOD: No, I did not.

GROENE: Oh.

HUGHES: Senator Flood, will you yield?

FLOOD: Yes, I will.

GROENE: Did you get contacted by Senator Pansing Brooks's office, or her, that she wanted to work with you and me, maybe get around a round table and work on a compromise?

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HUGHES: One minute.

FLOOD: There were no roundtables. There were no calls. There was no reach out. I did visit my local juvenile detention center. I talked to prosecutors. I talked to police officers. I talked to investigators.

GROENE: All right, thank you. Yeah, I didn't have to revisit that. I already knew all that. But so that's how we do governance here. We visit with a special interest who's already-- did not-- did not like the original bill, county attorneys. But remember, there wasn't money there. The money came after the hearing from the amendment from the Judiciary Committee. So what does this tell you? The county attorneys want more funding, and I agree with them. My amendment does that with-- but eliminates all of the-- the befuddling-- try-- redefine a common known term of truancy.

HUGHES: Time, Senator. Senator Groene, that was your third opportunity. Senator Flood, you're recognized.

FLOOD: Thank you, Mr. President. Good morning, members. I-- you know what I appreciate about this? We're having a debate. We're having a debate about an issue that is important to a lot of different constituencies in Nebraska, and it's nice to be discussing the issue. It is especially rich that Senator Machaela Cavanaugh is accusing me of being theatrical. It's especially rich that she's accusing me of grandstanding. Senator John Cavanaugh talks about doing the right thing. When I served here before, these bills would never have come to the floor. There has been a sea change in the way law enforcement has been regarded in this body. It started with LB605, where we started making probation the preferred outcome for a lot of different crimes. I'm not saying it's altogether bad, but it has made it very more difficult in a lot of the rural counties to get people to comply. You-- you commit a crime and you're going to get probation. You commit a Class IV felony, you're going to get probation. We have really doubled down on watering down accountability. And you may say it's tough on crime. Go ask the people at the coffee shop in your hometown in rural Nebraska or at Hy-Vee in Omaha, wherever it is, you go ask them what they think of it. Go ask the victim of a crime, who had their house broke into, what they think of probation. Go ask that 12-year-old girl, who was violently stabbed multiple times, what she thinks of her offender being placed right back in the same neighborhood, going to the same city park that she was stabbed in. We can sit in this ivory tower and we can pretend that we are changing the world. But you have to ask yourself the question, are you really

connected to what people think? You think this is grandstanding, Senator John Cavanaugh? Go into your district and ask the victims of crime what they think should happen to them. Go sit in the courtroom and watch the people who get sentenced to prison. It isn't for nonviolent things. They're getting sentenced to prison because they've hurt somebody, they've assaulted somebody, they've used a weapon in the commission of a crime. Maybe they've shot somebody. Maybe they've stabbed somebody. That's who fills our prisons. So I think it's good we're having this discussion, and what I feel is happening is, for the first time in a long time, the Nebraska Legislature is having an eye-opening discussion about what we've done to our juvenile court system. We are saying and I am saying and-- and a lot of prosecutors are happy because they're finding a voice down here where we say enough, stop doing this, stop messing with these statutes. What happens when you start decriminalizing urinating in public, when you stop dem-- criminalizing shoplifting, when you decide you're not going to arrest some of these folks in the state of California? Look at the-- look at the outcomes that we have in San Francisco. Look at what's happening to the Union Pacific trains. Look at the lawlessness that happens. People that live in places like Seattle and San Francisco, they're flooding out of their towns because prosecutors stop paying attention to these low-level crimes that don't hurt anybody and they're victimless. When you start removing accountability, you see an erosion of the criminal justice system. And you could think that's grandstanding. But I would encourage you, go down to the coffee shop and ask them what they think. Go talk to victims of crime. Go talk to prosecutors. Go talk to the Lancaster County Attorney that sent Senator Pansing Brooks a letter that said her child missed too many days. They did that to make sure there wasn't a problem. They are being proactive.

HUGHES: One minute.

FLOOD: And if the people in Wheel-- if the people in Wheeler County don't have a diversion program and if it's a big enough deal, they'll elect a county attorney that puts one in place. And guess what-- who gets to decide there? The people, the people that cast the votes get to decide what kind of criminal justice system they'll have. They elected Lee Polikov. He put in a DUI court, which I think is a good idea, but they support him in Sarpy County to do that. So let's not think that we're solving huge problems with this. If you want to give them more money, give them more money. But I am dead set against LB568. Thank you, Mr. President.

HUGHES: Thank you, Senator Flood, and that was your third opportunity. Senator McKinney, you're recognized.

McKINNEY: Thank you. Rise again in support of LB568 and AM1510. Senator Flood, I am connected to my community and they are tired of our kids being sent through the criminal justice system because the county attorney wants to charge them with truancy too much, and it's the disproportionate which has funneled or supported the school-to-prison pipeline. You should do some research about that because it's real. Being truant shouldn't mean you go to jail or you get locked up and you get handcuffs on you. Why-- why don't we have a system in place that we figure out, why is the kid truant? A lot of these youth aren't just missing school or not going to school just because it's, oh, I don't want to go to school today. A lot of it is deeper issues, and nobody wants to ask that question. But instead of asking that question, it's lock them up and send them through the system, which causes trauma and other long-term effects for the rest of their lives. And then you go walk through our prison system and ask a lot of those individuals, were you suspended from or did you get locked up for truancy and things like that, most likely-- most likely, they will say yeah, so that's the problem. We want to be tough on crime and tough on all these things. These low-level offenses have disproportionately affected my community for centuries, but you don't want to have that conversation. You just want to say, oh, we shouldn't decrease low-level crimes because it's going to cause the world to collapse. The world is already being collapsed on my community. That's why those changes need to happen. That's what you're missing. This is why this change is needed, to protect those that don't necessarily or haven't necessarily had the support from this state or this country. That's the issue we're talking about. Stop fearmongering on the mike, man, like it-- it just doesn't make sense. These changes are needed for a reason. The juvenile justice system has disproportionately affected black kids for centuries. That's why these changes had to happen. And if you don't want it in your community, I don't even know if it's constitutionally legal to just say, let's do it in Omaha. And honestly, I think it-- it needs to be across the state because, I don't care if a kid is in Norfolk, he shouldn't be sent through the juvenile justice system because he missed school or she missed school. We should protect kids at all costs and make sure we give them the services that they need. That's the issue here, and that's what you're missing. Thank you.

HUGHES: Thank you, Senator McKinney. Senator Matt Hansen, you're recognized.

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M. HANSEN: Thank you, Mr. President. I'll yield my time to Senator Wayne.

HUGHES: Senator Wayne, 4:55.

WAYNE: Thank you, Mr. President. See, I-- when I debate issues, I never get personal. I don't try to attack people. I think sen-- one time, me and Groene got into it a little bit. That was about it. I think the next day we worked on a bill together and got it passed. But Patty made-- called her "Patty," sorry. Senator Pansing Brooks made a statement about her kid. We want to dive into questions, and then you want to talk about go talk to the local coffee shop. Well, you get a call at 3:00 a.m. and go find a triple homicide and you're the one who has to tell the mom. Don't talk to me about victims. And that ain't just once. You know what happened last Sunday when there was a shooting in-- in my-- my district? McKinney and I were talking to each other, seeing which district and where it was at and figuring out where the cops are, because we knew it was going to happen in our district. And it was a homicide in my district, so don't talk to me about victims and grandstanding. Yes, that is grandstanding when you say go talk to your local coffee shop, as if the crime doesn't happen where we're at. Then you talk about an ivory tower? Are you kidding me? Ivory tower is when you have to borrow \$32,000 from your-- your trust fund for your kid, school, to pay for something. We don't have that in our community. I don't like being personal up here, so let's just keep it high, talk about the issue. But if you want to go there, let's go there and we can debate all of this. It may work in Madison County, but you know where James Spurlock got arrested first? In Madison County, provided no services to him, so don't tell me it works for everybody because that kid's dead that could have had an intervention earlier in Madison County. We want to talk about a 12-year-old kid who couldn't get detained and that's what the issue? We got kids across the state who are being detained for no reason, and maybe that's the issue. So it's easy to get up here and just talk. It's easy to get up here and pick one side. The hardest thing we can do in this body is be consistent, and I have said that from day one, because there is nuances to everything. But you believe in mandatory minimums, but you tell us to trust the judges, but you don't trust the judges in that. Will-- ask Senator Flood a question because I would like to know why he doesn't trust judges in that.

HUGHES: Senator Flood, will you yield?

FLOOD: Yes.

WAYNE: Senator Flood, you believe in mandatory minimums?

FLOOD: I think there's some value, yes.

WAYNE: Do you believe in mandatory minimums because you don't trust the judges or that we as a body know what's best for sentencing?

FLOOD: I think there's a certain value that potential defendants understand that if they do commit a crime and they use a weapon, regardless of what kind of case they want to plead to the judge, they're going to go away for, what is it, a mandatory minimum of three years?

WAYNE: Do you know we have mandatory minimums from drugs and nonviolent crimes, just drugs by themselves? Do you know we have a mandatory minimum if you steal an iPhone?

FLOOD: I know there's a mandatory minimum on child sexual assault in the first degree of 15 years.

WAYNE: Yeah. You don't think we should leave that to judges to decide?

FLOOD: Well, I-- you know, at the end of the day, the goal is public safety. I think that prosecutors still choose what to charge. I do trust judges. I think that we have seen an improvement in public safety with some of the mandatory minimums that we have in Nebraska. I'd like to see more involvement of the federal court system in some of these cases because it is costing us a lot of money to incarcerate, you know, our prison population. But there's-- you know, everything that you're saying about mandatory minimums, like, I'm open-minded to see what the Judiciary comes out with, but I think there's some value in saying, hey, mandatory minimums have a purpose that's positive too.

HUGHES: One minute.

WAYNE: My point is, when we get up here and we say grand statements about trusting judges, but then we carve off nuances when it's convenient, isn't-- is inconsistent. Thank you, Senator Flood. Like I said down here, the hardest thing is to be consistent. We are the only state-- there's two states, sorry, two states over the last ten years where the population of our prison population has grown. Every other state, including the most conservative states, have figured out ways to reduce their prison population. And guess what, the secret is, it starts at the juvenile level because once a kid doesn't get in the system, he's most likely to stay out of the system. That's just plain,

simple fact. You can't argue with the fact of that matter. And so this-- this puts dollars into the diversion programs and it tells prosecutors to make reasonable efforts. This is watered-down language, but I'm supporting it because it's a step in the right direction.

HUGHES: Time, Senator.

WAYNE: Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Senator Vargas, you're recognized.

VARGAS: Thank you very much. I want to do a little bit of information, a little bit education, one very important data point that I think is going to be helpful here. We just had Chief Justice Heavican come and share updates on juvenile justice, and this kind of goes along with what Senator Wayne just said. Recidivism for juvenile justice is currently at an all-time low of 19 percent, an all-time low, and has for the last two years. This is in direct connection to both programmatic and structural changes within Probation, within collaborations with law enforcement, prosecutors, county attorneys, defense attorneys, and legislative changes that we make through collaboration. We are at an all-time low of recidivism for juvenile justice, for the press or anybody out there. So regardless of what the debate is on the perspective or opinion or what's happening in your region, we are at an all-time low for the last two years. There are many programs that have been moving in the right direction. I'm the co-chair of the Juvenile Detention Alternative Initiative. I've been doing that with Corey Steel and Probation and the Supreme Court. This is a collaboration effort, not by myself. This is the ten-year anniversary of it, and it involves the courts, prosecutors, public defenders, law enforcement, elected officials, community volunteers, and people from all different sectors, including some of which Senator Lathrop mentioned, as well, some judges that oftentimes we don't agree on all issues, but we try to work through these things. And just recognizing each one of us has bills where we work through, Senator Pansing Brooks worked through this bill for several years to try to make it more amenable to people that viewed this as not in the right form for them. So county attorneys came to the table and said exactly what they wanted to make changes and those changes were made. This collaborative process is the kind of thing that we should try to at least elevate as much as humanly possible. There's data to support that the reforms we've made through collaboration internally and through legislation have led to significant reduced recidivism in the juvenile justice system, have led to significant use of increased

support of-- of services before they get into the system, and make sure that we're trying to address our overcrowding at the state level, which is very, very clear. So for the record, regardless of what-- and it is important. People have their opinions. They have their perspectives. We're elected to do that. There are commissions and systems and programs that are being led when-- with many stakeholders, with the Supreme Court, Probation and senators, all different people across-- across the political aisle working on these issues, and have had significant success with reducing detention, recidivism, and in this case, trying to make sure that excessive absenteeism, which research continues to show is what is leading to the school-to-prison pipeline, is one of the things. And the people that are most represented in the system, youth of color, who we're also trying to make sure it's not just the prison system, but when we're talking about workforce, we're talking about high school graduation rates, there is a-- there is a direct correlation with the juvenile justice system, and the services we provide, the mental health services we provide, we can get ahead of it. So I just want that to be really clear, and I'm reading many of these things directly from, and I hope many of you still have this, which is the state of Nebraska's judicial branch's State of the Judiciary--

HUGHES: One minute.

VARGAS: --that they just came in and shared this with us. As much as humanly possible, we should try to be referencing these data points so that we are grounded as much as possible in how public policy is driving good outcomes for our state that cost taxpayers dollars and also are trying to respond to what's actually happening in Nebraska. Thank you very much.

HUGHES: Thank you, Senator Vargas. Senator Geist, you're recognized.

GEIST: Thank you, Mr. Speaker. I have to say I'm just so encouraged to hear some of the discussion that's going on today because it's-- it's a new and growing passion that I've had in working with juveniles, working with families, law enforcement, judges, the whole gamut, and this issue brings up some of those things. One of the things I do want to say is that truancy or excessive absences, or whatever you want to call it, affects all kids. It affects, maybe disproportionately, black and brown children. It also affects white children. It affects those families, and the situation for each family is different. I totally support diversion and-- and the use of diversion in cases like this. I can tell you that I am walking with a number of families in Omaha and

in Lincoln who their kids are on the run, their kids are truant. These are not bad parents. These are good parents who are trying to keep their kids at home, and they have absolutely no support. And until a kid actually offends, there are not services that are available to these families; and if there are, these families would like to know, because they need to be availed of those services. What I've seen in juvenile-- the juvenile arena is a lack of consequences for behavior. Over the past five to six years, we've totally taken consequences for juvenile misbehavior out of the system. And in doing that, we've handcuffed not only our law enforcement, but we've also done that with parents. I've had I don't know how many families sit in front of me and say, we need support for our kids; if our 13- or 14- or 12-year-old daughter or son will not stay home, what do we do, how do we protect them? And that's a good question. If-- if law enforcement picks them up, they return them home, and as they're dropping them off at the front door, they're running out the back door. And I'm not exaggerating. These are what the parents are telling me. One of the things that I learned through this process, and-- and I was so encouraged to see in our CJI information, is that using swift, certain, and proportionate sanctions is the best way to get through to an individual who's doing bad behavior, and they connect that bad behavior if-- with a consequence if we use swift, certain, and proportionate conse-- sanctions. What we're trying to do as a society is take sanctions away. And if you'll think about when you were a kid, how did you learn? You learned by suffering some sanctions. Now I don't want to throw kids in jail. I don't want to detain everybody. But we need some balance in the system, and I think that's what we're seeking, is not to incarcerate children.

HILGERS: One minute.

GEIST: We're seeking to have some consequential balance in the system. It swung so far one way that we need to bring that balance back to center. Now how that's done, I think, is tricky. It's hard to get people on board because people don't like to dole out consequences right now. But I'm telling you, parents are asking for it. They're certainly asking me for it. I know law enforcement's asking for it. Many county attorneys are asking for it. So I-- I'm just encouraged that we're having this conversation because it's long overdue and it's one that I think we need to continue to have and we need to continue collaborating with each other to feel like what can we bring together here that we can actually help kids--

HILGERS: That's time, Senator.

GEIST: --and help families. Thank you.

HILGERS: Thank you, Senator Geist. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. Speaker. Good morning, colleagues. I support LB568 and AM1510. But what we have heard today is talking about a larger issue, the issue of crime and punishment. You know, where we are right now, given our current prison population, we've embraced the philosophy of-- of lock them up and throw away the keys, three strikes, you're out, keep them in prison and all of that. But you know what? I've been here before, because in '19-- or 2015, we de-- we debated LB605 and, yes, we did make some reforms, but we didn't go near far enough. And I'm getting tired of having the distinction of the largest overcrowding in the entire country. Yes, before, Alabama had that distinction. Now it's Nebraska, and that's no good. But I can-- I maintain now, in 2022, the world has changed. We did a-- a call here a year ago last December where we brought groups together, conservative groups, liberal groups, ALEC; even the Koch brothers now embrace criminal justice reform. And what we've got going with LB920 is what we need to do. It's-- it's-- makes sense. We need to deal with our prison system in a way that does make a change, and we're not going anywhere unless we talk about this issue and change sentencing. Parole reform, that has to be part of the process that we employ in order to really deal with this problem. Are we going to sit here this year and kick the can down the road without actually doing something about this problem? I'm getting a little tired of it, and I'm thinking that those people running for Governor and higher political office ought to deal with this issue instead of saying, yeah, lock them up, crime is going up. But in fact, it's not. Crime has actually gone down. In 2000-- or in 1980, we had 1,400 people in our jail system, 1,400, and what we have now is 5,600, but yet crime rates have dropped. Explain that disparity to me, because I'm not getting it. We need to do some truly criminal justice reform, and it's our opportunity this year, so let's-- let's in fact do that. You take a look at the latest criminal-- research on criminal justice reform, it supports that idea of-- of-- of new parole reforms and sentencing reforms. That's something we-- we definitely need to do, or simply look at what other states have done. You know, the states are the laboratories of democracy, so let's pay attention to what our state-- what our other states have done and adopt those things that are working. Thank you, Mr. President.

HILGERS: Thank you, Senator McCollister. Senator Slama, you're recognized.

SLAMA: Thank you, Speaker Hilgers. Well, I-- I was just planning to get up and really briefly yield my time to Senator Flood, which I will do here in a moment, but I do feel the need to counter a few of Senator McCollister's points. Sen-- Senator McCollister, we have looked at other states and what they've done and the overwhelming evidence, whether you look at states like California, New York, or even our neighbors like Oklahoma, if you cut down on sentencing, if you let violent criminals out of prison early, shockingly enough, crime rates go up; homicide rates go up; other violent crimes, rape, robbery, carjackings, across the board, they're going up. So, yes, we are looking at other states and when we're taking a stand against moving the pendulum in the wrong direction to prevent our juveniles from being involved in the system in the first place, yes, we have looked at other states and that's why we're opposed LB568. And moreover, when you talk about Nebraska's prison rate, our per capita incarceration rate is lower than surrounding states. The big issue is that we haven't invested in our prison system in decades. We've consistently under built. And if you tell me that going down to the State Pen and touring it, which I have, one of the first things I did when I took office, if you look around there and tell me that that is an up-to-date facility where the prisoners are safe and staff is safe, you've got to be kidding me. It was built in 18-- in the 1800s and you can tell. We need a new prison. We need a modern facility, and it doesn't get into the larger issues of crime and punishment, but the basic human right to have an up-to-date prison where you have space for programming and a safe setting for both your inmates and your staff. And with that, I'd like to yield the remainder of my time to Senator Flood, who's doing a wonderful job this morning.

HILGERS: Senator Flood, 3:07.

FLOOD: Thank you very much, Senator Slama. You know, one of the things I think is important in this debate is to acknowledge that the bill's sponsor, in my opinion, cares deeply about children. She cares deeply about seeing children be successful, and she has committed her legislative service to doing what she felt is right to do that. We disagree on the path as it relates to this bill, but I don't want to diminish the comments of Senator McKinney or Senator Cavanaugh, Mach-- Senator Machaela Cavanaugh, Senator John Cavanaugh or Senator Wayne. They all come from experiences from different areas of the state, and I know far less about what happens in their district than what happens

in mine. But here's what I think I'm expressing that I think is getting heard, and that is there is a severe amount of fatigue among the law enforcement community, the broad law enforcement community, the police officers that show up at 3:00 in the morning to deal with the situation, the prosecutors that are in the courtroom, some of the judges that are behind the bench, some of the probation officers that are on the line and don't have anywhere to lodge somebody in the middle of the night because we've taken that option off the table. And if I could pick the best outcome of this debate, aside from where this bill goes, is that the people that are pushing this reform hear very clearly that you are not bringing everybody over the hill, that there is a large amount of dissatisfaction. And the group that I'm talking about tells me that some of the changes that have been made in the last ten years have compromised public safety, which means our streets are less safe, that juveniles are in a position to hurt others or themselves, that the reform is not working, that the push does not have their support.

HILGERS: One minute.

FLOOD: And I think it's important that you know that because, Senator Vargas, I heard you speak very eloquently a moment ago about what's in the Supreme Court's report. I don't doubt your motives and I don't doubt your sincerity and I don't necessarily refute the data that you have. But I-- what I want you and Senator Pansing Brooks and Senator McKinney and Senator Wayne to know is that there is a counterbalance to this that is not on board and they're talking to members of the Legislature and it's serious. They really feel that you are compromising public safety and that you're putting children in risky situations by taking tools and alternatives that they've had for decades off the table. Please hear that message. Stop for a second. Let's-- let's vote this bill down and let's reset the table and let's have everybody buy in to where you're going, because right now they are not. Thank you, Mr. President.

HILGERS: Thank you, Senator Flood and Senator Slama. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I stand in opposition to LB568. I was-- I voted no on General File. One thing I've been noticing in my time in office is the dysfunctional families that we have that contribute to juvenile problems. The lack of two-parent homes is going to continue to add to juvenile problems, and I know that that isn't an issue that's going to be dealt with this bill. But I just hope that we

will find a way to encourage two parents to stay in the home and raise their kids, where they have better ability to raise them up. I'd like to yield the rest of my time to Senator Groene.

HILGERS: Senator Groene, 4:10.

GROENE: Thank you, Mr. President. I don't know how we got to pipeline to prison and throwing kids in jail and locking them up. Called a judge and asked him, what can you do if a kid is charged with truancy? Nothing except probation, except probation. I said, what about diversion? He said, well, diversion don't work sometimes. I said, why is that? He said, because if they are put directly into conversion [SIC] because they worked a deal with the county attorney, there is a big missing factor: they cannot drug test them. The biggest hammer they have for a kid is drug testing. Come on, let's admit it. Kid's on drug-- got a drug problem, he's not going to school. He don't care about his homework. So I asked-- I couldn't get ahold of my county attorney last couple of days. They're just overwhelmed. We got a meth problem in North Platte. But last year I asked her, why would you take a kid to court for truancy? She said one reason: drug testing; if I suspect there's drugs in the home, by the parents' use or by the child, if I go direct to diversion, I can't drug test them. You want to talking about turning a kid around, you drug test him. This law gets rid of the opportunity for the county attorney or the judge or the police to say, let's just charge him with truancy, let's not charge him with a sub (1) or (2) or (4) where his record shows, let's just do a status offense to get him into the court system where it just shows he's not been going to school. That's why you got 900-- or 600, 700 truancy charges. You got a compassionate county attorney who says, I'm not going to charge him with that serious crime, but I want him in the system, I want him in probation, and I want him drug tested. And thank you, Senator Vargas. Thank you for giving a shout-out for the status quo. It's working. The present system is working, but that present system still has that hammer where that county attorney says, I'm worried about this kid's drug use, I'm worried about his parents' drug use, I can't remove the kid from the home if his parents are addicted to-- to meth because I can't know if he's got secondhand meth without going through the court system and putting them on probation. Duh. The system works. We want to hold their hands, say, pretty please, don't go to drug-- take drugs, pretty please, go to school, without that hammer. The Probation-- head of Probation, thank God she retired, took away a lot of tools from the Probation in the state. For one thing--

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HILGERS: One minute.

GROENE: --she told the probation officers, you can't revoke probation or take them to the judge if truancy is the only reason. What do you think the kid's doing if he's-- if he's not in school? He should be back in front of a judge, should be removed from the home, should be in Kearney, if necessary, or in a group home. We don't have foster care. It's-- we just don't have it much there, but we do have group homes. But without going through the courts, not going through probation by the judge, we can't drug test. Senator Vargas just told us it works; the system we put into place, it works. So why are we here? Why are we here today? Because somebody wants to hug them and this-- get rid of truancy by renaming it. I'm-- I'm thinking about bringing a bill.

HILGERS: That's time, Senator.

GROENE: All right. Thank you.

HILGERS: Thank you, Senator Groene and Senator Clements. Senator Walz, you're recognized.

WALZ: Thank you, Mr. President. Sometimes I just need to back up a minute, and I feel like we get lost in our conversations and I'm not sure that we're really staying on the intent of the bill. So I want to, again, just ask for Senator Pansing Brooks to yield to a couple of questions.

HILGERS: Senator Pansing Brooks, would you yield?

PANSING BROOKS: Of course.

WALZ: Thank you. I just want to talk, Senator Pansing Brooks, about the intent of the bill. So for me, it's-- it's really important for me to understand the why behind a piece of legislation, so if you could just tell me the why behind why you brought this.

PANSING BROOKS: So what's been happening and what we've heard from testimony from judges, from the school districts, from-- from county attorneys, as well, from all sorts of people and the advocates, the kids are being placed into the juvenile justice system with this charge of truancy or excessive absenteeism, and excessive absenteeism is used in the statutes, as I've said, Senator Groene has-- keeps talking about that, but those two words, the county attorneys [INAUDIBLE] well, so the goal is to not immediately have them in the

system. If the-- if the county attorney determines that this child truly needs to have a truancy charge because of the excessive nature of the amount of absences they have, they can charge. We're not taking away the hammer. We're just saying, what many say is happening, that diversion should be the first effort and all-- all efforts should be made to put the child into diversion. And then, if it doesn't work, then you bring on-- you can-- you can charge them with truancy.

WALZ: OK. First of all, back to your hearing, did you have any opposition?

PANSING BROOKS: I-- I did not have any opposition. I had one. The county attorneys wrote a letter. And so that's why I said that I would work with the county attorneys. Many of the people in this body said, well, if you get the county attorneys on board, I'll be on board, and now that's not what's happening, but that's OK. People change their minds for reasons.

WALZ: OK. The other thing that I'm really interested about, and you can probably explain it better than anybody, is the diversion program. Can you talk a little bit about what happens in a diversion program?

PANSING BROOKS: Diversion takes-- takes different forms all over the state, although in-- in a large majority of the state, they don't even have the money for diversion programs, so that's why I have felt so great about this. And it's not correct that we didn't know money was coming from Probation and that it came from the-- the Judiciary amendment, but that's another aside. So we-- we are thrilled about the fact that this money will go to our communities to help them boost their diversion abilities. Diversion can take many forms, from a county attorney asking a child to do something where they have to either-- they have to do something in the community to-- and take time off from school where-- not off from school, after school, take time to volunteer in the community or do something like that, or they may be required to go to some mental health counseling. Or, you know, when you look at diversion, it's to help the child, it's to help the families, and it's to-- it can take the full range of treatment to asking the kid to write a thousand times "I'm not going to be truant anymore," so it's up to the county attorney, it's up to the diversion program how they will effect it. There are best practices across the country on diversion, and the community aid will help promote those programs across the district. So in-- in my opinion, I can't imagine counties not wanting this money for diversion. County attorneys say they're already using diversion as much as possible. Well, great.

HILGERS: One minute.

PANSING BROOKS: If that's so, then let's move those kids-- let's-- let's move that-- those probation dollars over to community aid and let the counties beef up their diversion programs. I do care about the kids, and I care about the fact that when you put them into the juvenile justice system, you are putting them on a track that could be ultimately against their best interests.

WALZ: Are families involved in the diversion program?

PANSING BROOKS: Yes, families work with county attorneys, they work with the various programs. Yes, count--

WALZ: If--

PANSING BROOKS: --families are involved.

WALZ: If that's not a first resource, how do we identify the environmental factors that need to really be addressed if a child or family needs a plan or resources?

PANSING BROOKS: If what? I'm sorry.

WALZ: If we-- if we do not have that opportunity to go into the diversion program, that--

PANSING BROOKS: That's correct. I mean, then we're, in a way, not helping the county attorneys, and I think that's why they came on board. The diversion programs have other entities who help the county attorneys--

HILGERS: That's time, Senators.

PANSING BROOKS: --to really affect the child and give them the help they--

HILGERS: Thank-- thank you, Senator--

WALZ: Thank you.

HILGERS: --Senator-- thank you, Senator Pansing Brooks and Senator Walz. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, Speaker. And when I voted on this the last time, I was a no because I had questions. I had called back to my district

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to talk to my county attorneys to find out where they were at. And again, a lot of these things can be not a one-size-fits-all type program, but I did tell Senator Patty Pansing Brooks that I would like to know, if you're going to work with these county attorneys, what happens. So would-- would Senator Patty Pansing Brooks yield to a question?

HILGERS: Senator Pansing Brooks, would you yield?

PANSING BROOKS: Sure, I'm happy to.

ALBRECHT: Thank you. Again, I'm-- I'm looking at both fiscal notes from last year and now the most current one, which is dated December 20, 2021. Can you tell me, from last year to-- to today, what happened? Who did you meet with? And if a-- if the county attorneys all are in lockstep with the-- their group that says that this is what we have decided to do, do they all have to do that or is that something that-- that they can choose to based on each district, each particular county courtroom?

PANSING BROOKS: OK, I'm sorry, I missed some of the--

ALBRECHT: Two questions.

PANSING BROOKS: OK.

ALBRECHT: Does everyone have to do exactly what your county attorney letter says that they are in support of? Do all county attorneys get to weigh in on that or is it just the legislative committee that decides for all of the county attorneys what they'll do? That's question one.

PANSING BROOKS: OK, question one is-- there's no method set out for the county attorneys in this bill. All it says is that they'll use their best efforts to put the child into diversion and-- and as a last resource, they will use the hammer of charging them with truancy or excessive absenteeism.

ALBRECHT: OK, so the county attorney letter that said we're no longer in opposition, what changed their mind?

PANSING BROOKS: Because the new amendment that I have. Before I had said-- I-- my original bill said all truancy cases shall go to diversion. I changed that, with the help of the county attorneys, and said that, and they have agreed to this, that-- that all truancy

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cases, they will make-- that county attorneys will make every effort possible to send the child to diversion and, if not, then they will charge with truancy, so.

ALBRECHT: And do all-- all counties have diversion programs?

PANSING BROOKS: No, they haven't been able to afford it in all the counties. That's why this money is so important.

ALBRECHT: And do they go to their county supervisors and-- and do they get that in their budget and they've just said no because there's not enough money and that's why we're stepping in?

PANSING BROOKS: That's a good question. What-- what will happen is that community-- the money will go from probation over to community aid, and community aid is with the Crime Commission. And so that-- those community aid dollars are disseminated across the state. So that's what will happen and then they will then, with that-- those millions of dollars, be then able to create programming across the state where communities have not been able to supp-- create these programs themselves.

ALBRECHT: OK, and I guess I'm also looking at the fact it went from \$4 million down to \$1.8 or-- on the back here-- yeah, \$1.8 million.

PANSING BROOKS: Yes. Well--

ALBRECHT: Is-- is that--

PANSING BROOKS: --that's partly because of, I presume, of watering down the language and instead of requiring-- requiring diversion in all truancy cases, I think Probation is worried that they're going to still end up having a lot of truancy cases, and so--

HILGERS: One minute.

PANSING BROOKS: --I think that's what happened.

ALBRECHT: OK, so I'm going to continue to listen to the debate. I have put another phone call into my district to-- because I-- I really do have to-- I know in most decisions I make is for the greater good of our state. But on this one, it's about where are my-- where are my folks at back home? And I hope that everyone on this floor will make those same phone calls to-- to find out, you know, where they're at, where-- I mean, how do we know how much? If I say yes to this and most

all of the money ends up going to the bigger cities, then what have I done? So I want to know, for myself and for the people back home, what exactly is the right thing to do here, because this isn't my area of expertise and I am listening, but I'm also going to circle back around and find out how they feel in District 17. Thank you.

HILGERS: Thank you, Senator Albrecht and Senator Pansing Brooks. Senator Matt Hansen, you're recognized. This is your third opportunity.

M. HANSEN: Perfect. Thank you, Mr. President. Colleagues. I do rise in support of the Pansing Brooks amendment, Senator Pansing Brooks's amendment and her bill, and I want to kind of illustrate a couple of things, because, one, the bill, the issue we're talking about here is truancy. And I know we're starting to broaden this as kind of the first debate on broader criminal justice bills we're doing this year. This bill is itself inherently a juvenile bill, and it's focused on juveniles. And there's a couple things that I just kind of want to make clear and put into the record, and there are gonna be a couple of things. One is talking about, you know, people don't believe that judges or prosecutors or police are out there being intentionally, you know, harmful or-- or-- or, you know, seeking to-- seeking to actually do the harm. And I understand that and I don't-- I don't think that either. But we do know that when you layer a system that is difficult to navigate, it's difficult to manage, and you have hard punishments in there, hammers, as we've been calling them, that sooner or later somebody who might not deserve it, sooner or later somebody who is a child, is going to get harmed. One of the things that I think back to is, earlier in my tenure in this body, I had an opportunity to serve on the Judiciary Committee, years, and of all the testimony I heard over those two years, one of the pieces that really stood out to me was a young woman who had testified that she had spent her 16th birthday, her 16th birthday, in solitary confinement. She didn't see anybody for the whole day and she was allowed to leave the room for an hour. For her underlining [SIC] charge was a simple marijuana possession, which as an adult is a \$100 fine. It's not even officially a misdemeanor, but for her it was months and months in a facility and including solitary confinement. That's the stakes that we kind of work with when we talk about people going into the juvenile justice system. You want to dismiss being generous or offering diversion as giving them a hug? I mean, let's not ignore the other side when we talk about the hammer. The hammer can be solitary confinement. It can be some pretty severe things if it keeps escalating and moving through the system. This isn't-- you know, this-- this is literally, you know, a

pretty severe place. I appreciate that we're acknowledging that there's a hammer there. The second thing we're talking about is kind of the scope and the need for this bill. This is a different issue that I've worked on, but one of the things that I see in the course of this as we talk about juvenile justice, we talk about a lot of different ways and a lot of different pieces, and not necessarily even necessarily changing penalties. I have a bill that I've worked on for a while talking about improving parental notification when a student-- sorry, when a child or a juvenile is arrested or detained. And one of the fundamental oppositions from that bill is the city of Omaha, whose position is essentially, and they-- they've stated it more or less as such, that they arrest so many juveniles, they detain so many juveniles, it's hard to notify their parents, it's hard to keep track of where the juveniles are and tell the parents accurate information in a timely manner. So that's the basis we're working with. Yes, that is all crimes. Yes, that is all offenses. That is not just truancy, but that is kind of the status quo we're working with in our most populous city and in an area that we know struggles with some of these measures. These are the things that we're looking at and working on in juvenile justice, and we have to look at all of these layers. The last thing I wanted to mention and is kind of why we talk about the school-to-prison pipeline and why we talk about this, we talk about people having to get services. In order to get services, you have to get charged in juvenile court. Colleagues, that's problematic for many fronts in the sense that we see it as adults, we see it in juveniles--

HILGERS: One minute.

M. HANSEN: --thank you, Mr. President-- that the only way we can really provide services a lot of time is to charge somebody with a crime or a status offense or something like that because we don't provide the services elsewhere. It's not that we couldn't offer the services elsewhere; it's that we as a state, we as a collection of counties, haven't had the money or have-- rather, have chosen not to spend the money elsewhere. We could provide a fair number of services to parents. We could do all sorts of things, but we have to make that a spending priority of the state. We don't have to do it through the criminal justice system. We can just offer that through the state, through the education system, through any sort of means we want. That is-- that's the layer and that's the thing when I say we have to-- or we have to charge the student, we have to charge this kid with a status offense in order to get them services. That shouldn't be the status we're in. We should, if we're concerned about providing these services, recognize that in other bills, on the budget--

HILGERS: That's time, Senator.

M. HANSEN: --other spending priorities. Thank you, Mr. President.

HILGERS: Thank you, Senator Hansen. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President. And, colleagues, good morning once again. When we passed-- when Senator Ashford was still here and we passed that first effort at making sweeping reforms to truancy and we caught a lot of people up in that net, and what I learned from that experience is when kids have excessive absenteeism, it can be for a lot of reasons. So if they-- if they steal a car in Omaha and drive it to Wyoming, they're excessively absent for a couple of weeks till we get our hands on them and we bring them back, they got problems bigger than their excessive absenteeism and they're in juvenile court. When we talk about excessive absenteeism, we've created this image of a criminal and we're going to be soft on this criminal while we're addressing the absenteeism. If they have other problems, we'll deal with them in juvenile court. This is just about kids who have excessive absenteeism. Now, when that Ashford bill passed years ago and a lot of people came in and said, hang on a minute, let me tell you about my circumstance, some of them were parents of children that had a chronic condition. May not be an experience that you have, hopefully, but there are a lot of people who have children that have chronic absenteeism for a reason. Probably don't need to go all the way to juvenile court to sort that one out. Sometimes people have excessive absenteeism because parents believe it's important for their child to participate in some competitive sport. So your kid's on a competitive hockey team or a select soccer team and now you're missing school. Do you need to be in juvenile court? This can be sorted out somewhere short of that, right? We don't need to engage the machinery of juvenile court every time. And we're just talking about those cases that involve excessive absenteeism, because if they have something they're doing besides that, that's worse, that will be what gets them into juvenile court. And so understand, when we talk about this process, it's a process that's intended to sort those people out, and you can sort them out on the first pass through on excess of absenteeism. Sometimes, my friends, this-- this COVID has also demonstrated another thing, which is a lot of kids are missing school. We've lost track of a lot of kids. If we can find them, we can sit down and work through what's the issue, do you have problems, did you sign up, working with the schools to try to get them back to a classroom, but we don't need to engage the machinery, the institution

of the juvenile court on each occasion. And all we're asking is that they go through a process first so that we can sort them out, so that the mom who has a child with a chronic condition isn't hauled into juvenile court, as, frankly, the earliest version of this effort did. That's it. And if we have a bad actor and we-- we identify that in this process, we can pull them in. And it may be-- maybe dad's gone and mom goes on benders. That kid's going to juvenile court for different reasons. But when we talk about excessive absenteeism--

HILGERS: One minute.

LATHROP: --there are a lot of explanations that don't involve a bad kid, and they can be sorted out through this process. So when we talk about this child that we're-- we're fictitiously or-- or using as an example, it's not the bad kid because that bad kid-- bad kid is going to end up in juvenile court for different reasons. But we'll have a process at the front end that avoids having to engage the machinery of juvenile court, and the county attorneys understand that and agree with it. They've indicated their agreement to this bill with that amendment, and that's why. So when we talk about all the juvenile court and the-- the kids that-- that get away with stuff and they need to be punished, some of these kids-- some of these kids, it's the parents; some of these kids, it's an illness--

HILGERS: That's time, Senator.

LATHROP: Thank you.

HILGERS: Thank you, Senator Lathrop. Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President. Good morning, colleagues. This is not a bill that I have supported in the past, and listening to the debate this morning up in the President's Chair, and, you know, I-- I appreciate the debate that we're having today. It has gotten heated at times and that, you know, that indicates some passions that are on the floor. But I-- I think we're all wanting to make sure that our kids are successful, and the tools that we have available to us, making sure that we keep kids in school and out of the prison system or the juvenile justice system, I think we can all agree on that. The challenge I have is, what part of this is failing? You know, and I look at our-- our school system. We are challenged there, you know, and-- and there is responsibility from the parents. I mean, the parents have-- it's their job to raise their kids. It's their school

system's job to educate them. There is a difference. But raising your kids is teaching them right from wrong. There should be consequences for bad actions. Now we're going to debate what those consequences are. That's the challenge, the disagreement, the philosophical disagreement that we have to have, that we're having today. But the-- the-- kind of the irony that struck me was we had Senator Linehan's LB364, the Opportunity Scholarship. I think there's significant data that proves that the children that have that opportunity are very successful. And if we could find a way, especially in north Omaha, for Senator McKinney's district and Senator Wayne's district to provide opportunity for those kids, where apparently this truancy is the highest in the state, but we didn't do that. We chose not to do that, so that does strike me as a bit of irony. Thank you, Mr. President. I'll yield the balance of my time to Senator Groene.

HILGERS: Senator Groene, 2:44.

GROENE: Thank you. Wanted to address Senator John Cavanaugh's comments about it's already in law, excessive absenteeism. First, I'd like to thank Senator Lathrop for reaffirming what we're already doing works. Everything he said is in the law and it's working. Where Senator Cavanaugh got that was 79-209, and it lays out that a school district has to have an attendance policy and it has to be 20 days before you can talk-- talk to the county attorney. The school has to physic-- check the kid's physical, mental, and behavioral health of the child, educational counseling, educational evaluation, referral to community agencies for economic services, family or individual counseling, assisting the family and working with other community services, referral to restorative justice practices or services. School has to jump through all those hoops before they consider truancy. The law says: improve regular attendance has not been successful and that the child has been absent more than 20 days per year, the school shall notify the child's family in writing to refer the child to the county attorney. And then it says this section is a defense to prosecution under 79-201 adju-- adjudication for educational neglect under subdivision (3)(a) section-- and habitual truancy under subdivision-- then number (4) says, "Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism." Two different definitions. Excessive ab-- absent-- does not reach the level--

HILGERS: One minute.

GROENE: --of truancy. It's just telling a county attorney, if that child has been excessively absent but has not reached the level of truancy, they can be involved, two complete def-- different definitions, Senator Cavanaugh, two complete different definitions. It's just allowing the county attorney to use that as a reason in their investigation and to put them on probation. They're excessively absent, but they have not reached the level of truancy. I'm not a lawyer, but I can read it. God, thank God I'm not a lawyer, no chance go to heaven, but I can twist the truth that much. Read it and read between the lines. They're reading between lines that doesn't exist. Truancy is that final straw, the final thing that the community, society has--

HILGERS: That's time, Senator.

GROENE: --to try to pull that kid back.

HILGERS: Thank you, Senator Groene and Senator Hughes. Senator Geist, you're recognized.

GEIST: Thank you, Mr. Speaker. One of the things that I've heard from law enforcement is that many times truancy is the very first indicator of a kid who may be at risk. And often through that process is, as I was saying earlier, the first opportunity to introduce services into the life of the family or the kid. Senator Clements earlier talked about-- he was kind of lamenting the erosion of two-parent homes. I share that. I think that's a sad commentary on our current culture, but that's where we are, and I don't suspect that what we're doing here is going to change that. However, since in this situation and in many like situations government is called a stand in, since there aren't family structures available to many of these individuals, and in my opinion one of the best things then that government can do is mimic a good parent. And one of the things that you know after raising children of your own, if you've done that or not, you might know from what happened to you or did not, that having consequences and rewards is a very good reflection of good parenting, and making sure consequences are consistent and rewards go with good behavior and reward good behavior. And that's what I see is missing in the landscape of the juvenile reform. We're relaxing consequences and all we're giving is reward. And when that happens, you have children that don't comply. That's what happens in your home and that's what happens in the judicial system. Senator Flood, a few minutes ago, said that he's standing and saying that there are many of us who are saying this pendulum has swung too far and this is the way things are going, and

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there's some of us that are saying enough. I'm one of those saying enough, and I will yield the rest of my time to Senator Flood.

HILGERS: Senator Flood, 2:40.

FLOOD: Thank you, Senator Geist, and thank you for your comments on the pendulum. And I think-- I think that people that-- in this system are hearing us and hearing that we share a lot of the same goals. As a member of the Madison County diversion board, I know it's tough to fund this. We used to get funding from the Norfolk area United Way. We no longer get that. Would financial resources help? Yes. We all want to reduce truancy. But let's talk for a second about the court that this bill is trying to avoid. It is not a county court in its truest sense. It is not a district court at all. It is a court where the standard in front of the court for the defendant or for the child is what's in the best interest of the child. And believe it or not, and I think most of you recognize this, juvenile court judges, when they sit on the bench in a juvenile court, their goal is to find out what is best for the child, what is in their best interests. It's a little odd to me that we celebrate drug courts and veterans' courts and DUI courts, because those are all specialized courts where we use the state judicial authority to sit there and get the behavior modified so that they have and lead a productive life. That's essentially a juvenile court. A juvenile court is a judge whose job--

HILGERS: One minute.

FLOOD: --is to determine what is in the best interest of that child. And I think reasonable people in here can agree or disagree on whether or not that's always happening in a specific juvenile court. But that's what the law says their purpose is. And so I don't want to put any extra hurdles on any county attorney in this state if, in their professional judgment, elected in their county, they decide they want to file a truancy report. Think about this. There may be a situation that's going on that the-- that the county attorney doesn't want to take action on, but there is a truancy issue. They want to immediately get that young person into a safe place before something else happens. Maybe the child that they're trying to protect is a victim of an ongoing sexual assault. Maybe they don't have a diversion program. Maybe they've missed a lot of days in school and the county attorney says, what can I do right now to help this child, put them in a safe place and protect them from these other things that are happening--

HILGERS: That's time, Senator.

FLOOD: --in their environment? We don't know what that is. Thank you, Mr. President.

HILGERS: Thank you, Senator Flood and Senator Geist. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. Speaker. Good morning, Nebraska. Good morning, colleagues. I want to talk about a few things within this bill. I-- I believe that it's a di-- it's really a diversion bill, rather than a truancy, in a sense, and really the funding mechanism there is something that we're talking about or should be talking about, is how to put more funds into those areas. One comment that's been made, and I don't know it's been clarified or not, but detaining kids for truancy is not allowed by federal rules. So if you're just truant, you cannot detain that child, according to federal rules. Another thing is-- is I work with my district county attorneys in two areas that cover the whole of my whole district. Saunders County, we have a juvenile justice group that gets together. And in Colfax County, we have a community development group that gets together. This specifically is about the kids in the community, the troubled kids in the community, the truant kids in the committee-- community, those kids that we need or they need, they're actively working with. I can tell you for a fact that our county attorneys do not ex-- do-- they do everything they can to help those kids, and our law enforcement does too. The county sheriff and the local police are sitting in those meetings too. The hospital is sitting in those, so we have-- there's mental-- we-- we've got mental health into the communities, into those schools. There's a lot of things that are being done for those kids. And part of what I wanted to do right now, I'm just-- I just wanted to thank them for what they're doing. I want you to understand that that's going on. I think it was last year or the year before there were some funds left over. I know the Crime Commission right now is-- is doing everything they can to-- to fund the programs that need to be funded, to put the money where it needs to go-- needs to go. Douglas County gets a million dollars to do this work. They gave back over \$200,000, almost \$300,000. We were on the floor that day and I know in Saun-- in Saunders County, we had a great need. We were short on funds, and so we were able to find-- to move those funds that weren't being used, I believe it was by Douglas County, to Saunders County to meet the need. That's always the challenge we have is the funding end of it, and-- and if that's what we're talking about, if that's what the-- and-- and I commend Senator Pansing Brooks for what she's working on. But again, it's about the kids. And I can tell you for a fact, in my counties, they're doing everything possible to work with

these kids, to keep these kids from committing more ser-- committing a serious crime or-- or staying out of the-- being out and being-- you know, get them back into the school, help them find ways to be successful. You know, they're dealing with families of different-- different makeup, and some kids don't even have families here who they're working with. I can say that I don't-- I believe that very few of those students, those juveniles, those youth that are coming out-- coming through, that the county attorneys are working with, the local law enforcement are-- are-- end up in jail as an adult, because what they do is meaningful and impactful to them. They're making a difference where they're at with those kids. I see that happening in the communities. It's not easy. It's a challenge. I get it. But I don't-- also, I don't want to see money taken away from Probation because the need is there. If we need to put money into diversion, let's have that con-- let's have that conversation. Let's make that happen. That's--

HILGERS: One minute.

BOSTELMAN: That's what concerns me the most is that we're actually-- we're-- we're not-- we're going to-- we do not impact what's working and-- and cause it to perhaps have a hiccup along the way and cause our county attorneys to maybe do things differently when I know-- I know in my district they're doing a wonderful job and they're being very impactful and they're making a difference in those kids' lives and those kids are make-- are changing. Again, if we need to put money into diversion, let's talk about putting money into diversion, if that's where-- if that-- that program. But to come in and change the system that's in place now, the process that's in place now, I'm very hesitant to do that. AM1510 does help, but I think there's still questions within the county attorneys and others that-- that cause pause for me. So I still sit and I'm still listening to what's being said on the floor by the debate that's happening--

HILGERS: That's time, Senator.

BOSTELMAN: Thank you, Mr. Speaker.

HILGERS: Thank you, Senator Bostelman. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I'm up again because I'm still not in favor of this bill. I have appreciated the debate and I would like to yield the rest of my time to Senator Groene if he wants it.

HILGERS: Senator Groene, 4:32.

GROENE: I was told once by a smart senator, Groene, you got a loud voice, push the mike away a little bit, so I'll try to do that. Anyway, I go back to 79-209. I'll slow down. Let me rephrase that again. That section (4) that was referred to about it's already in law, excessive absenteeism, is not meant to define what truancy is. It's means-- it's a means that apparently county attorneys sometimes wanted to get involved sooner with a child's absenteeism from school prior to what fits the legal description of 20 days' absence that defines truancy. That term in the statute does not-- is not a definition of truancy. It is a level below. If any attorney wants to debate me on that definition, I gladly will do it, but I think that's why that's there, because look in law. A definition says, this word means this in relationship to this statute. It is not worded that way. It is worded, "Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism." It's giving them an early entry if that county attorney believes it's necessary, I want to commend Senator Flood. There have been senators changed their views on laws before, debates, and I've also heard the excuse "I gave my word that I'd vote for this," in other words, I traded a vote, or "I just would look bad if I traded my vote." Wisdom is rare. Deductive reasoning is rare-- rarer. And when I see a senator who had voted one way and had a time to study the issue more and has talked to constituents and has the bravery to stand up and represent his constituents and change his vote for reasoning, I applaud that and we should all applaud that when it happens. Otherwise, this debate is wasted. This is wasted. We already made our commitment. We already got on this team. Rational thinking doesn't mean anything. I believe it does, and I applaud Senator Flood. I-- I'm confused too. I've heard some of my consti-- colleagues say they're expelling kids, we shouldn't have expulsion from school, those kids need to be in school even if they're beating up their teachers and everything else and there's no discipline in school, but, by God, we got to-- we got to change the expulsion rules. Well, this is a verse-- reverse of that, folks. We got to have something to make sure that kid goes to school. A kid who is expelled is probably the kid-- he's-- most of those aren't in school. They're the ones--

HILGERS: One minute.

GROENE: --that are truant and they need that last hammer, the county attorney does and the school does, to say, you're going to be charged with truancy, you're going to be put on probation, you're going to be

drug tested, and you're going to be wear-- wearing a bracelet so we know you're not out with your friends. Without the filing of the charge, without the probation coming through the court, that's not possible. It's not possible. The version without probation doesn't work for the milder cases. Everybody in life has a rock bottom. One kid has the rock bottom when finally a teacher befriends him. The next one might have it when a coach does it. Maybe the next one changes around when the-- when the neighbor does. Some of them, it's the first time they had experience with a law enforcement; some, rock bottom is finally when they're in--

HILGERS: That's time, Senator.

GROENE: --that court in front of a judge.

HILGERS: Thank you, Senator Groene and Senator Clements. Senator Pahls, you're recognized.

PAHLS: Thank you, Mr. President. I've spent several hours listening to both sides of the argument, and both sides have good points and probably some points that should be muted. So what I have a tendency to do, because I respect both individuals on this issue, so I go back to see what happened in the hearing. So as I had my staff make sure I had the paper copy so I could see it much better than on the computer because of my bad eyes. So I took a look at the proponents, the opponents, and those in the neutral, and this is what-- this must have been a sleeper bill. It's what I call a sleeper bill is because I looked at the opponents. Now we're talking about how the police are angry or upset with this, we talk about all the people out there upset with this, we talked about all the attorneys out there are upset with this, but I don't see them here on this paper. I'm just going to-- the Nebraska Children's Commission, they were there, a couple of judges, Douglas County Board, Hall County Public Defender, Lancaster County Public Defender. They spoke and I read their testimony, and these are not what I call do-gooders. These are people who work in this area and who get it. They are supporting this. Now I have to be honest with you. I do not understand all of the ramifications of this particular bill, but I need to count on those people who live that life, not those of us on the floor who can do a good job of talking. Some of us are-- and I include myself in this by any means-- are very good. They can raise their hand and they can say this and they can excite the world. But I see these people as being dedicated. Then I look at the-- a group. To be honest with you, this is how I put-- there-- there were a number of group-- of people who had written, proponents. Now I have

to be honest with you, and this is not insulting them, but these people are-- usually are for children, and I put them in the feel-good group. They-- and I would assume they would support this because the Nebraska State Educational Association, Voices for Children, Children and Family Coalition of Nebraska, Nebraska Youth Advocates. Now, I would think they would do this because they're-- in their hearts, they may be so endeared about helping children, sometimes they take a different look at this. Then I look at the opponents, the one opponent that I did see, Nebraska County Attorney Association. Now I've been told they're OK with the bill. I'm assuming that they are representing the total county group of count-- now there may be some outliers out there who say, hey, I belong to the group, but I don't agree with what they're doing. However, if they belong to that group, you sort of have to fall in that-- in line with it. They have moved over from being an opponent. And also, there's a group in here called Nebraska Association of County Officials. They were neutral. I'm asking, are they still neutral or are they moved over? They have moved over. So it-- it looks like to me on-- from this group, which I wasn't there on this sleeper bill, because where were all of the opponents? Those opponents who were there have moved over. Where were the police officers who think that we are taking advantage of the situation? As I listened to Senator Wayne and McKinney, they don't see that happening. We talk about the world and, you know, the pendulum.

HILGERS: One minute.

PAHLS: Thank you. We talk about the pendulum. Well, people, we know right now, the pendulum is, in the U.S. of A. and probably in Nebraska, is stuck in the middle. Both sides are angry at each other. Listen to the public discussion. Whether-- no matter what it is, we have the people on this side and this side, so-- but this particular issue, as I look at what the people who were there, it looks like they have moved over. But on the floor, and I can tell by a number of the comments, there are a lot of people say no. I get that and I respect that. But I have to, since I don't have that ability to know what's going on in this particular area, I have to look at what has been presented to me by the committee. And no matter how this goes, I do know there's a sincerity on both sides because we're looking at this from different--

HILGERS: That's time, Senator.

PAHLS: Thank you.

HILGERS: Thank you, Senator Pahls. Senator Albrecht, you are recognized.

ALBRECHT: Thank you, Speaker. And again, I come to the mike because I did ask my office to contact everyone in my district because I'm not making this decision without their-- their opinions, OK? So right away, two of them came back and felt like the rural communities don't have enough resources, so thank you for the amendment, to assist staff and kids in programs that are in the urban areas. So we don't have the same thing that's going on in the urban areas in the rural area. It limits their option in-- in ways that tie their hands too much. One felt that in the small counties, the parents, the county attorney, and the judge are working together to help that child. And if they were forced to have to refer cases to other groups, that's not currently available in-- that would tie their hands in different ways. So again, when I got up before, I was looking at a fiscal note from my file that was \$1.8 million. But when I got my computer fixed, I'm looking at the most current one, and it does show that it is-- so it was-- or in '18, \$2.7 million; '19, \$3 point-- or \$3 million, 23.5. I need to really understand, if there's money going out to these counties, is it sustainable that they, in fact, will get a certain amount every year based on what they've put together? Or is this something that-- I mean, who is going to administrate it? If the-- if it's the Crime Commission or is it somebody-- if Patty Pansing Brooks, Senator, would yield to some time, I'd like to help her--

HILGERS: Senator Pansing Brooks, would you yield?

PANSING BROOKS: Yes, I would.

ALBRECHT: OK. Can you walk me through how-- if-- if my counties said, hey, there's money out there and we can build on this, how are they assured that they're going to get X number of dollars? And is it-- is it sustainable? Is it something that the counties are going to end up with picking up the tab later? Is it-- is it enough for all of the state of Nebraska to take this on?

PANSING BROOKS: It's-- it's a lot more than they've ever had. It's through the Crime Commission. I would ask that you call the Crime Commission about that and call Probation because they're the ones that are working this all out and supportive of it. And Probation is the one that said, with more kids going into diversion and those programs that will help them and money going to the counties, and it also deals with local control, these counties have not had that opportunity

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before, and so it's really important in my mind to get that money to the counties. And I feel-- I don't know for sure how long it lasts because some of that money would be from the probation-- from Probation. So we'll have to determine how long it will last, but it's certainly with-- for the next few years, so.

ALBRECHT: OK, so-- and again, the courts showing a total service expenditures for truancy only cases as followed, but I'm only seeing '18, '19 and '20, so they're-- are they already funding this program? And-- and--

PANSING BROOKS: No.

ALBRECHT: So they're not fund-- they're not funding it at all.

PANSING BROOKS: No, they're showing--

ALBRECHT: So I guess--

PANSING BROOKS: They're-- they were giving an example, excuse me. I'm sorry.

ALBRECHT: OK, so I'm going to take my time over the lunch hour and look to see how they plan on-- on administering this, because, again, if my folks are already saying, hey, we're not OK with this, we oppose it, then I need to look to see how it would be funded, will it continue to be funded after we-- after we take a vote on this and-- and it becomes law. I mean, we--

HILGERS: One minute.

ALBRECHT: I just really-- I-- I want to make sure that it's-- it's good for all and not just certain areas. If the majority of the kids are in the larger areas, you know, how are they funding it now? I'd like to find out a little bit more about that. So I appreciate the debate that has gone on. Senator Flood, if you want to-- the remainder of my time, I'd sure yield it to you, Senator Flood.

HILGERS: Senator Flood, 31 seconds.

FLOOD: Thank you, Senator Albecht. Thank you for taking the time to contact your county attorneys. I think it's important that they have the conversation with their state senator, and at the end of the day, I--, you know, I'm of the opinion that if you're a county attorney,

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you're trying to find solutions for kids that are truant and that's part of the job. So thank you, Mr. President.

HILGERS: Thank you, Senator Flood, Senator Pansing Brooks, and Senator Albrecht. Mr. Clerk, for items.

ASSISTANT CLERK: Thank you, Mr. President. Senator Machaela Cavanaugh would move to withdraw LB1126. Prior-- Senator Briese designates LB986 as his personal priority. The Education Committee designates LB890 and LB1218 as the committee priority bills. LB758, your Committee on Education, chaired by Senator Walz, reports LB758 to General File with committee amendments. Your committee on Enrollment and Review reports LB723 and LB450 to Select File. Additionally, Enrollment and Review reports LB496A as correctly engrossed and placed on Final Reading. An amendment to be printed: Senator Ben Hansen to LB906. Name adds: Senator Wayne, Senator Matt Hansen to LB450; Senator Brewer to LB735, LB768; Clements, LB774, LB777; Hunt, LB793; Brewer, LB853, LB859; Vargas, LB910; Clements, LB933; Brewer, LB975; Hunt, LB1066 and LB1067; Briese, LB1170; Clements to LB1237; Brewer to LB1270 and LB1271. And Senator Hunt would withdraw her name from LB1275. Additionally, the Revenue Committee will meet today in Executive Session at 1:00 in 1524; Revenue, 1:00, 1524. Finally, Mr. President, a priority motion: Senator Hunt would move to adjourn the body until 9:00 tomorrow, Friday, January 28.

HILGERS: Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. We are adjourned.