

April 11, 1979

LB 378

SPEAKER: Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature. This is the sexual sociopath bill and the revision of it which was passed several years ago. The amendments that I have are in addition to the committee amendments. Questions have been raised since the advancement of LB 378 to the floor of the legislature regarding whether the revised version of LB 378 should specifically incorporate current safeguards governing the release of certain offenders back into society. The thrust of these amendments are to eliminate the fears that many have that county attorneys for one reason or another will not provide adequate follow up on sex offender cases. The amendments provide that 90 days prior to release of any sex offender the county attorney who prosecuted the original case will be put on notice that the release of the sex offender is pending. The amendments further provide that upon receipt of such notice the county attorney shall institute mental health proceedings against such offenders to insure that no dangerous offenders are released back into the communities. In order to do this for every sex offender it was necessary to further provide in the bill that the terms treatable sex offenders could be sentenced also for treatment, could not exceed the maximum amount of sentence that such offenders could receive during the underlying conviction. It should be emphasized that these amendments are in addition to the procedure set up by the committee amendments and do not replace these procedures. In addition, these amendments also make two changes which are essentially technical in nature. First is a correction on page 1 line 7 changing the word "and" to "or". This clarifies the concerns expressed by some that in certain violent assaults, sexual excitement may not be the primary motivator factor. When taken in conjunction with the previous amendment insures that certain serious crimes which may have been sex as a motivation factor come under the procedures outlined under the bill. In conclusions, these crimes covered by the bill will be all degrees of sexual assault, debauching a minor and the commission of a felony in which the sexual excitement of a person committing the crime is a substantial motivational factor. Once again the thrust of these amendments is to vie for a type of safety check prior to the release of sex offenders dealt with in the provisions of the bill. I ask for the adoption of my amendments.

SPEAKER MARVEL: Your amendments are amendments to the committee amendments?

SENATOR NICHOL: That is right Mr. President.