

April 11, 1979

LB 378

SENATOR CHAMBERS: Every time the Judiciary Committee was going to meet committee counsel has notified me of when they were going to have their meetings.

SENATOR FOWLER: Do you know if there are going to be future meetings? Are there going to be more meetings to work on the amendments, that you know of?

SENATOR CHAMBERS: I don't know, they are probably satisfied with the bill as it is so I'm not going to try to delay it any more. But, I wanted to get some things into the record.

SENATOR FOWLER: Okay, Senator Hoagland. I guess I would start with the same question. Do you feel that there are serious legal procedural deficiencies in the committee amendments?

SENATOR HOAGLAND: Yes, yes I do.

SENATOR FOWLER: Do you want to cite any specifics that concern you?

SENATOR HOAGLAND: As I indicated in my earlier remarks, Senator Fowler, these committee amendments will do two things. First of all repeal the underlying sexual sociopath law entirely. Now that law is a complex law that sets up a complicated set of procedures to take care of a very complicated problem. Now the second thing that this amendment will do is it will plug in to the current Nebraska mental health commitment act. Now that is an excellent finely tuned piece of legislation that the legislature spend a couple of years on and finally passed about three years ago. Now, in about five double spaced pages why this set of amendments purports to deal with a very complicated intricate area, the criminal law. At the same time it attempts to successfully plug into this other statute the Nebraska mental health commitment act which also covers a very complicated intricate field of civil and criminal law. Now, I think that when you are writing statutes in this area you have got to be very, very careful to spell out what all of the procedures are, to be sure that society is being adequately protected and to be sure that the defendants are being adequately protected. I don't think that we have had an opportunity yet to be sure that this statute does that job.

SENATOR FOWLER: Okay, based on that, I don't feel that I can vote for the committee amendments at this time and think that probably should go with the bill as originally introduced. It seems to me that particularly, I was one who served on the