

May 11, 1979

LB 378

guidance as to how persons previously committed as sexual sociopaths or under an even previous version of this particular statutory scheme sexual psychopaths are to be treated and that is contained on page 2 of our amendments and it simply requires that all these people be brought back into court relatively soon and that they be processed in a way consistent with the terms of this act. Now finally, the fourth important change in these particular amendments leaves it to the prosecution and defense to request on an annual basis if they wish a review and a hearing in court on the defendant's status, but if the prosecution or the defendant don't request that review, there has to be a hearing at least once every four years upon the court's own motion and that will ensure that we don't get people that are lost in the system. The defendant himself if he thinks he is progressing or his attorney can request a review every year, but at the minimum, there has to be a review every four years and then finally, and I know Senator Nichol emphasized this point and.....

SENATOR CLARK: You have one minute please.

SENATOR HOAGLAND: Thank you, Mr. President. I want to emphasize this as well, at the end of the sentence of someone who has been categorized a mentally disordered sex offender, why there are mandatory civil commitment proceedings that must be undertaken beginning ninety days before the expiration of his sentence and we feel that this is a very important protection for society so that we know that people who have been found mentally disordered sex offenders are not going to be released from the Nebraska Penal Complex or from the regional center without a good hard look being taken as to whether they should be civilly committed under the Nebraska Civil Commitment Act...

SENATOR CLARK: Your time is up, Senator Hoagland.

SENATOR HOAGLAND: So those essentially are the amendments and the provisions we are presenting now. Thank you, Mr. President.

SENATOR CLARK: The motion is the adoption of the Nichol-Hoagland amendment to LB 378. Senator Cope.

SENATOR COPE: Mr. President, members, a question of Senator Hoagland. Senator Hoagland, these five points that you made now, are these a change from the bill or are they a change from the present statutes?