

May 21, 1979

LB 571, 378

PRESIDENT: The motion carries. LB 571 is returned to E & R for Engrossment. The next motion, Mr. Clerk.

CLERK: Mr. President, Senator Hoagland moves to return LB 378 to Select File for a specific amendment.

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: I have a minor amendment here to the Sexual Sociopath Act, Mr. President and colleagues, which would strike a sentence that starts at the bottom of Page 4 and continues over to Page 5, and the sentence provides that all of the provisions relating to release on parole and good time shall not apply to people while they are being treated as sexual sociopaths, and I'm asking that that sentence be taken out. Now last Wednesday I had a lengthy meeting with a representative of the Attorney General's office who pointed out two constitutional problems with the Sexual Sociopath Act. He said that this particular provision has two problems, one is a possible problem and that's that it undermines the constitutional jurisdiction of the Parole Board and for that reason his office would probably indicate to the Governor that that might be unconstitutional. The second constitutional problem he raises is that one class of prisoners is being treated differently than another class, and he thought that pretty clearly made this provision unconstitutional. Now, again there were two provisions. One of them we dealt with at about 9:15 when we brought this statute back and took care of it then. This will take care of the other constitutional problem. I would ask that this amendment be adopted. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Nichol. The Chair recognizes Senator Venditte.

SENATOR VENDITTE: Mr. Speaker and members of the Legislature, Senator Hoagland, do we have a copy of this amendment at our desks, or is it....

SENATOR HOAGLAND: You don't, Senator Venditte, but I can tell you exactly what it does if you want to open your bill book to LB 378. Your Final Reading book.

SENATOR VENDITTE: Go ahead, Senator, I think I can follow along with your rationale one more time and maybe a little bit slower than...

PRESIDENT: All right, Senator Hoagland, do you wish to