

January 11, 1980

LB 409

SENATOR HABERMAN: Senator Nichol, are the committee amendments the one that Whetstone wanted?

SENATOR NICHOL: Excuse me. I didn't hear what you said.

SENATOR HABERMAN: Are the committee amendments the one that Mike Whetstone suggested we put in to make it constitutional?

SENATOR NICHOL: Yes, sir, that is it.

SENATOR HABERMAN: Then I will support the amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 409. All those in favor vote aye, opposed no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Johnson.

SENATOR JOHNSON: Mr. Speaker, members of the body, I will move the advancement of this bill. Just a couple of comments about it. I was approached by the juvenile court in Omaha at the beginning of last legislative session to remove from the Juvenile Court Act some material that the Juvenile Court felt was surplusage and I agreed that I would bring in this bill to do exactly that. Before the committee, I was asked a series of questions concerning the constitutionality of the juvenile court's proposed amendments. Personally I felt that their bill was constitutional. However, there was some doubt in the minds of Mike Whetstone from the County Attorneys Association, and as a result of that doubt, the committee amendment itself was prepared and drafted and, of course, has now been approved by this body. I have no problem whatsoever with the committee amendment. In my opinion the bill should pass because it effectively removes a surplus provision that exists in our Juvenile Court Act. The bill would provide very simply that if there is a youngster who has been before the juvenile court, who has been placed on probation, who is now a probationer, and if in fact the juvenile court wants to revoke that probation for one reason or another that the court does not have to afford the youngster a preliminary hearing with all the trappings of certain procedural rights, et cetera, unless that youngster is to be confined. In which case, such a preliminary hearing is necessary. I would