

May 27, 1981

LB 213

SENATOR DeCAMP: Mr. President...

PRESIDENT: ...do? Oh, okay.

SENATOR DeCAMP: Well I am on with him on the amendments so we will just close together and I will close one minute and he can have four.

PRESIDENT: That is fair.

SENATOR DeCAMP: Mr. President, members of the Legislature, I agree with a lot of what Senator Hoagland and Senator Kilgarin and Pirsch have said with respect to this particular issue and our particular amendment, however, I happen to personally believe that both of our amendments have some problems. I think if they pass the bill the way it is now, which Peter wants, I think you've got a problem. I think you could work that out over the summer. I think you could get the constitutional things ironed out. I think Vard and some of the people that have worked on it, Sam Cullan, I think you would have a pretty good bill by January. That obviously is not what some people want so in the alternative I would urge you to adopt our amendment. I realize you are not but in the other alternative I would urge you to work on this over the summer which I also realize you are not.

PRESIDENT: Okay, Senator Nichol, now do you wish to close?

SENATOR NICHOL: Yes, Mr. Chairman, members of the Legislature, sometimes you have the feeling that the mind is made up. It was mentioned by Senator Cullan that you would be insane but he didn't say when. You have to be insane at the time of the crime, not when the trial is held. Well, sometimes I understand they are sane when the trial is held but insane at the time the dastardly deed is done. This bill does not address what will happen. You have to have a mental attitude to be guilty of a crime. Without that mental attitude you have not committed a crime. You are innocent and not guilty of insanity, you are not guilty, so you can't hold somebody because they have not committed a crime because the mental attitude was not there. Alcoholism was mentioned. Is alcohol a mental defect when you commit a crime? Well, apparently you are the same as insane if you commit a crime when you are under the influence of alcohol. Standards was mentioned. Will we have standards in the reasonably future? We have two different kinds of standards now, different from the other mental health patients. Senator Hoagland said we have a skeleton of framework in which to work and I am telling you, the courts will be putting the meat on that skeleton for the next several