

SENATOR BEUTLER: The definition of a drug abusing person is one who uses drugs so as to endanger the public safety or welfare.

SENATOR WESELY: Umm hmm.

SENATOR BEUTLER: Okay, the definition of a mentally ill dangerous person is one who presents a substantial risk of serious harm to another person or persons within the near future. Now why do you need a definition? Isn't this somewhat redundant? Why do you need that definition under the...in the definition of a drug abusing person?

SENATOR WESELY: Oh, okay.

SENATOR BEUTLER: You already have a definition of risk of harm to...

SENATOR WESELY: For purposes of the commitment, it is my understanding that points one and two under Section 2 of the bill are what would have to be invoked. Section 3 merely defines who could be considered a drug abuser. We needed a definition of drug abuser, to then go back to Section 2 and say, are they a risk to other people or are they a risk to themselves? And so I know it is confusing but that was how it was explained to us. Section 3 is...first off you have got to...

SENATOR BEUTLER: But what...tell me this, what is a danger to the public safety or welfare that is not covered by subsection 1 of that particular statute, 83-109? How would they demonstrate themselves to be a danger to the public safety or welfare except by exhibiting a risk of harm to another person or persons?

SENATOR WESELY: It is probably duplicative language, frankly. The bigger definition is the addicted to use of drugs and loss of power of self-control with respect to his or her addiction. But you don't want to...you want to have something in there where the public safety or welfare is involved. I mean, you don't commit somebody I suppose who is a drug abuser in their own home and hasn't lost self-control and hasn't gone out and threatened the public safety. That is...I guess under this definition they wouldn't be a drug abuser, you know, they...