

February 28, 1986 LB 237

I thought I would briefly describe what this simple bill does and ask that it be advanced to Select File. Now, LB 237 is a relatively simple bill that follows on an interest that Senator Chambers' has long had to observe and monitor the way disciplinary proceedings are conducted within the Nebraska State Penal System and Senator Chambers years ago was instrumental in the passage of a statute that sets out certain due process guarantees for disciplinary hearings within the state penal system, 83-4,122, and that statute is set out in full in your green copy of LB 237. Now, after considerable experience under this provision it has come to the attention of Senator Chambers and others that there is one serious defect in the current disciplinary proceedings and that is that proceedings are not tape recorded. There is no permanent record kept and these can include proceedings where inmates' good-time credit, change of institutional work assignment, education or other program assignment or other privileges that inmates have in the Nebraska State Penitentiary are changed. These can be changed with no tape recorded record kept, no effective means to appeal that decision. All this bill requires basically is that in addition to the other due process rights contained in current law that any hearing which is going to affect the substantial right of that sort must be tape recorded and the recording must be preserved for six months. The bill came out of the Judiciary Committee on a 7-1 vote with considerable support. There was considerable support for it at the Judiciary Committee hearing. It does, we see now, have a relatively hefty fiscal note because the fiscal note contemplates the purchase of some tape recorders and the fiscal note also indicates we may have to have a couple of new correctional officers. And what I would suggest we do is go ahead and advance the bill to Select File, give Senator Chambers an opportunity to sit down and negotiate with representatives of the Department of Corrections over that fiscal note and then make the ultimate decision in the coming weeks as we have a clearer understanding of the financial picture as to whether we can afford the bill. But I think other than the fiscal note it certainly makes good policy sense and I would ask the advancement of the bill. Thank you.

SENATOR SCOFIELD: Senator Higgins.

SENATOR HIGGINS: Thank you, Madam President. I'd like to ask Senator Hoagland a question or two on this bill and in