

SENATOR CHAMBERS: No, I just said I returned on my light so that you will know.

SENATOR SCOFIELD: Thank you. Senator Landis. I don't see Senator Landis. We'll move on to Senator Pirsch.

SENATOR PIRSCH: Thank you. Madam President, members of the body, recall and remember that we now have restitution as a condition of probation and those who are considering that that is "buying your way out of prison" certainly have cause for that right now. If you get probation, then you make restitution. Senator Abboud has a good basis on that, but that is now currently the law. What we are saying now is, not that you will buy your way out of prison at the end of your sentence term, that restitution will be made at sentencing. It is completely permissive for the court to consider that kind of personal restitution and there is a complete set of guidelines that is spelled out in the law very carefully, both for probation and, we hope, for parole that the judge must pay attention to and the Board of Parole must pay attention to. There is provisions for the reassessing, but it is the general sentencing will include the restitution if there is to be any made by the court and the court will have to consider that carefully. You can talk about the crime against the state. When the victim is either stolen from or assaulted, that victim is just a piece of evidence. It's just a tool of the state. That's right. The docket says this is the State of Nebraska versus the defendant and somewhere along the way the State of Nebraska either gets their satisfaction from the probation of that defendant or in sentencing that defendant to protect the public, but where does the victim come in? The victim of a crime can neither compel the commencement of a prosecution or insist on its termination. Criminal cases are always brought in in the name of the state or the people and if the criminal is convicted, he or she may suffer punishment by the state in the name of the state, yet none of the pains inflicted upon the convict will be transformed in any form of compensation or redress for the victim. And if that punishment is inflicted and that person is paroled, that is where the restitution, the personal restitution to the victim comes in and it should be in a form which tends at least to the extent permitted by a moral nature to compensate the victim for his or her injuries, if indeed the court found, and it's permissive...