

Now, the 30 states that are listed below permit or require restitution. Some courts are required in some instances for restitution as a condition of probation or parole, and you can read them off. The following states, 30 states, after that require restitution to be made to the victim of at least some crimes, or else the court must explain in writing why restitution was not ordered. Presently, again, Nebraska does have restitution as a condition of probation. Probation is when the court hears your case and decides that you are not incarcerated and can then at that time order restitution. Now as a condition of parole is done at the same time. The court has decided that not only should this person be incarcerated, but also should make...

SENATOR SCOFIELD: Raise the call.

SENATOR PIRSCH: ...restitution as a requirement or condition of parole, and you all know what parole is. That's when you get out earlier, when you do not serve the full sentence and that is when the Board of Parole steps in. The person has not served their full sentence in being incarcerated. They are released earlier. They still have the court's determination of making restitution to that victim, to make that a personal rehabilitative part of their sentencing. It can be amended. There are provisions in the Judiciary Committee amendment and it still keeps that system of restitution which we need, both in probation, both in parole, has nothing to do with buying your way out any more, in fact, probably less in parole than in probation. But it may serve to keep that criminal-victim relationship alive long after the original offense so as to impress upon the mind of the criminal that he or she has injured a human being, not some impersonal entity known as the state. A system of restitution in that sense will have its goal to do something for, not to, the criminal. Punishment may be looked at as an enforcement of responsibility. We talk about rehabilitation all the time happening in our prisons and we don't see it happening. Punishment is one-sided in that it holds the criminal responsible for violating the rules of society, but punishment does not hold that criminal responsible to the victim. Restitution...

SENATOR SCOFIELD: One minute.

SENATOR PIRSCH: ...will have a dual effect on responsibility. The criminal is called to account not only