

things. In my opinion LB 627...

SENATOR CROSBY: Time. On the Witek amendment, Senator Kristensen. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President, members of the Legislature. Senator Witek, maybe I can talk to you here a little bit. I'm not sure, if we can take out your amendment here on page 2 and you've got this subsection (4), it talks about a person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation, and a lot of the discussion, I think there was confusion over whether you were talking about parole or probation. And the way it is written is it is probation and I guess what I want to visit with you a little bit about, you were talking about parole, is that correct, in terms of other things and not probation?

SENATOR CROSBY: Senator Witek.

SENATOR WITEK: That is correct, Senator Kristensen.

SENATOR KRISTENSEN: Okay, thank you because there are parts of your amendment that I think that I'm certainly going to support. My concern here is with probation because there are a number of crimes that have mandatory minimum sentences and I think that you'll find those to be the Class I, IAs, those obviously are the murder in the first degrees and so on. Class IBs, ICs, IDs, but then you get into Class IIs and IIIs that have mandatory minimums of one year and to say that those can't have probation, and the problem with probation being denied is that that puts a lot of people into the system, but there are times we really do want probation for those people primarily in the areas of assault and sexual assault is because if those are particularly first-time offenders, what they're after is treatment. The only opportunity you get for treatment is if you get put on probation. There are a lot of other things that you can do and you take with a rather broad brush if you're going to sweep all those people and not make them eligible for probation. That really ties our hands. These things about parole I agree with you. I like those and some of those areas particularly if you've messed up once you're not going to get a second shot at parole. I think that's fairly good policy but to deny probation is going to force a lot of people into the system, into the correction system that I, quite frankly, don't think we can