

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 22, 2024
Rough Draft

WAYNE: Good afternoon. Welcome to the Judiciary Committee. Sorry for the tardiness, we got stopped by Hillside and Swanson Elementary Schools from Westside, across the street from the Governor's office, who proceeded to ask me and Senator McKinney 5,000 questions about these appointments today. They are really concerned about these appointments, so we're going to have an in-depth hearing about these appointments. I represent LD 13, which is north Omaha, northeast Douglas County, and I serve as the Chair of Judiciary. We'll start off by having members do self-introductions. And to my far right but mid left-- far right.

BOSN: My name is Carolyn Bosn, I'm the senator for District 25, which is southeast Lincoln, Lancaster County, including Bennett.

McKINNEY: My name is Terrell McKinney, senator for District 11, north Omaha.

MEGAN KIELTY: Megan Kielty, legal counsel.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

DeKAY: Barry DeKay, representing District 40, which consists of Holt, Knox, Antelope, Cedar, northern part of Dixon, and northern part of Pierce Counties.

WAYNE: Also assisting us are our committee pages Molly Penus [PHONETIC] from Fort Calhoun, who is a--

_____ : Penas.

WAYNE: Penas? Penas. P-e-n-a-s, Penas-- from Fort Calhoun, which is just north of my district in Senator Hanson's district, who is majoring in political science at UNL. And Julia Skavdahl from, from Harrison, Nebraska, who is a history major at UNL. That's a good choice. This afternoon, we will be hear-- having hearings on Michael Jones, the appointment to Crimes and Victim, Victim Reparations Committee, Bryan Tuma, appointment of Nebraska Crime Commission, and Lisa-- Layne Gissel-- Gissler, appointment to the parole board. On the table to the right of me, next to Senator Riepe is blue testifier sheets. Those testifier sheets can-- please make sure you grab those and fill them out when testifying so we can have accurate records. If you do not wish to testify, but you would like your position known for

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the hearing, please fill out the gold sheet next to Senator Riepe. Also, I will note that it's the Legislature's policy that all letters of record must be received by the committee by 8 a.m. the morning of the hearing. Any handouts submitted by testifiers will also be included in the record as exhibits. If you don't have ten copies, please hand them to the page ahead of time so we can have the copies of what you are presenting or giving us when you present and have time. Testimony will-- for each appointment will begin with the appointee's opening statement. After the opening statement, we'll hear from supporters, then opposition, then those speaking in a neutral capacity. We ask that you begin your testimony by saying your first and last name and spelling them for the record. We will be using the three-minute light system. Light will be green when it starts, it'll be yellow with one minute left. And red, we will ask you to wrap it up. I would like to remind everyone, including senators, to please turn off or, or silence your cell phones, or put them on vibrate. With that, we will begin today's testimony or today's hearing with Michael Jones, who is on the phone. Michael, are you there? Is he calling?

_____: First-time caller, long-time listener.

DeBOER: First-time-- that was a good one.

WAYNE: I hear a phone call, but I did note for the record that AT-- AT&T, Sprint, Verizon are all down today in different areas of the country.

_____: I got to pick up.

WAYNE: Pick up. Let's make it happen. Hello? Are you there?

MIKE JONES: Yes, I am.

WAYNE: Thank you for calling the Judiciary Committee. May I help you today?

MIKE JONES: Yeah, this is Mike Jones. I was informed to call at this time.

WAYNE: Yeah, we are-- turn it up. So at this time, sir, I could take a pizza order of pepperoni-- no, I'm joking. But at this time, we are on the opening. And so if you can do this favor for me. Dusty-- sorry, I went to high school-- that was a little loud. At this time, we'll do a introductory.

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MIKE JONES: OK.

WAYNE: So if you can state kind of who you are, your background, why you feel like this committee is appropriate for you, and then we'll open it up to any questions from the individual. And we'll go from there.

MIKE JONES: Sounds good.

WAYNE: Go ahead, sir.

MIKE JONES: My name is Mike Jones. I'm a lifelong Nebraska resident, most of my time has been in Sarpy County. I have a bachelor's degree from Bellevue University in criminal justice. I have a master's degree also from Bellevue University in leadership. I spent about 20 years at the Nebraska State Patrol. Retired in 2005 as the troop area commander for the Omaha troop area of the Patrol. At the time of my retirement, Sheriff Jeff Davis of Sarpy County asked me to come to Sarpy County and become his chief deputy, which I did. I spent about nine years there as his chief deputy. The last three years of which I spent in-- running the correctional facility in Sarpy County. My main purpose there was they were in the process of trying to build a new facility, and they were trying to transition from sworn deputies at the jail to a civilian staff. And I assisted with the beginning pieces of that. And I retired from there in 2015. Since that time, I've been involved in my community. I served on the school board in the Papillion-La Vista school district, active in my church and in the community with the youth sports and stuff. And at a point about a little over a year ago, I was approached because one of the members of the Crime Commission was retiring, and I was asked if I would be interested at that time in taking an at-large position on the commission. I looked into what they did, I wasn't totally aware of all the subcommittees. I knew what the, the basic board of the Crime Commission was about, but I wasn't aware of some of the, the other committees, such as the Crime Victims Reparation Committee. I agreed at that time to volunteer for that work and was appointed by the Governor at that time to do it. And I was ultimately put on the Crime Victims Reparation. And I found the work to be very rewarding, what they're trying to do. I did think the group has some improvements that can be made, but it's a very strong group of individuals that are on that committee, and I think they are moving in the right direction to try to make some improvements to that, to that committee.

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WAYNE: Any questions from the committee? Seeing Senator DeBoer.
Senator DeBoer, questions?

DeBOER: Thank you, Senator Wayne. Thank you for working out this appointment hearing online-- or on the telephone with us. Sir, I would just ask you, if you could elaborate for a second on you said that there's some improvements you'd think you'd like to see on the CVR committee. What, what kind of thing are you thinking about?

MIKE JONES: Well, I, I, I don't think it's news to too many people that some of the publicity that that committee's gotten has not been favorable. And it's not, it's not because they're not trying to do a good job. I think the systems that were in place to assist victims were antiquated. And there was more of a, a hesitancy to worry too much about, well, do we have the money to do this or not, rather than the first [INAUDIBLE] we have a victim here, and we, we have the, the resources to do it and we also have the responsibility to do it. So oftentimes, it seem-- would seem to me that they were almost looking for reasons to save money as opposed to reasons to get the money in the hands of, of the victims. But I, I've seen a tremendous turnaround in that in a very short amount of time by the people that, that are doing that. We've rewritten a few of our guidelines as-- and raised a few limits to what we feel is appropriate compensation for some things, and also for justification for making some reimbursements. I'll give an example of that. Used to be that I wasn't-- I didn't see the tab, and I was just told that they would ask for receipts of the funeral. Well, what we, we've done now is anytime there is a funeral, there's generally a contract between the family and the funeral home. So rather than ask for receipts, we just say, look, just give us the contract [INAUDIBLE] service as receipt, rather than putting the family through more, more anguish. Try to streamline it as much as we can.

DeBOER: Well, I'll say thank you for that. And, and I want to encourage and, and support in any way I can that spirit of wanting to get the money out and be first concerned with the, with the victims and, and, and put that as the center there. So I appreciate that. And I will say again, as I said to your colleagues, if-- when you sort of get going in the job, if you all see more improvements that you'd like to do to the CVR, please let me know. I've been working on bringing some, some flexibility to you all in that process. So please know that my door is open for you there.

MIKE JONES: Appreciate that support.

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WAYNE: Any other questions from the committee? Seeing none. So if you stay on the line, OK, here's-- so here's the-- so you can tell me if you want to stay on the line, we'll, we'll keep the line open. But how it, how it will work afterwards is we go proponent and opponent and then neutral. We normally don't do a closing, but because you're here-- well, we do kind of do a closing, sorry. Because you're here, or on the phone, if you want to stay, you can stay. If not, you can hang up and we'll do proponents and opponents and move forward. What would you prefer, sir?

MIKE JONES: I don't need to stay on the line. I'm, I'm good.

WAYNE: Did he say he doesn't need to stay on the line?

DeBOER: That's right.

WAYNE: OK. Well, thank you for being here. We'll go ahead and finish your hearing without you on the phone, I appreciate it.

MIKE JONES: Thank you for your time.

WAYNE: Thank you. First, we'll start with proponents. Proponents. Those are people who are speaking in favor of Michael Jones. We'll move to opponents. Opponents. Those speaking in opposition of Michael Jones. Moving to neutral testifiers. Anybody in neutral? Seeing none, we have no letters for the record. That will close the hearing on Michael Jones. Next we will open the hearing on Bryan Tuma. If I say your-- did I say that right? Tuma? Welcome to your Judiciary Committee. If you can tell us a little bit about yourself and why you feel this appointment is appropriate for you.

BRYAN TUMA: Well, good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Bryan, B-r-y-a-n, last name is Tuma, T-u-m-a, and I serve as the executive director for the Nebraska Commission on Law Enforcement and Criminal Justice. I appreciate the opportunity to appear before the committee as part of the confirmation process. Before I review my qualifications and background, I wish to acknowledge the important role assigned to the Crime Commission. I believe the success of the agency will be defined by the ability to forge effective working relationships across many disciplines. Accountability is critical to building trust and confidence with law enforcement and public safety professionals, government leaders, stakeholder organizations, and the public. There are a significant number of functions assigned to the Crime Commission which require the

agency to be strategic, responsive, and dependable. Therefore, collaboration with stakeholders and a willingness to explore options should be the first order of business, which is how I intend to approach issues and work with others in my role as the executive director. I'd like to provide a brief overview of my professional work experience and how it relates to the executive director role. I'm a graduate of the University of Nebraska, where I earned a bachelor's degree in criminal justice. And my first job in the criminal justice field was with the Nebraska Probation Administration. I was assigned to the District 1 office in Columbus, Nebraska, and initially, my casework focused on juvenile offenders. But I eventually transitioned to adult offenders with alcohol and substance abuse issues. I collaborated with judges, prosecutors, defense attorneys, and law enforcement officials, along with a wide variety of organizations who were key to assisting probationers meet their goals. Throughout my 32-year career with the Nebraska State Patrol, I had the opportunity to address a number of assignments which have a direct nexus to my duties with the Crime Commission. For 8 years, I served as the director of training, which required a thorough understanding of law enforcement certification and training standards. During this time, I served on the Police Standards Advisory Council and the Crime Commission. During my tenure as the superintendent, I engaged with local, state, and federal law enforcement agencies on a routine basis. I participated in numerous advisory boards, committees, commissions, and study groups to advance statewide law enforcement initiatives. I'm a lifetime member of the International Association of Chiefs of Police, and I served in many leadership positions with that organization. Finally, I'm a graduate of the Federal Bureau of Investigation National Academy, and several other FBI leadership development programs. Following my retirement from the State Patrol, I did work in the private sector for a brief period of time. In 2014, I returned to state government to serve as the assistant director for the Nebraska Emergency Management Agency. I continued to engage with law enforcement and public safety agencies across the state on matters related to emergency response and incident management. As the assistant director, I worked closely with local government officials on disaster recovery projects and emergency planning concepts. In the fall of 2021, I retired from state government but continued to provide consultant services on a part time basis. This past year, I was approached by Governor Pillen to assume the executive director role at the Crime Commission. I have served in state government for well over 40 years. I believe I know and understand the role of state agencies and the expectations that come with it. I also believe I'm the right

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person to make the necessary changes to improve how the Crime Commission operates. In closing, I wish to thank you and the members of the committee for your time and consideration today, and I will answer any questions you might have.

WAYNE: Senator DeBoer.

DeBOER: Thank you so much for being here. As you know, I think you're great.

BRYAN TUMA: Thank you.

DeBOER: So I will put that on the record right there. But, I do have some questions for you.

BRYAN TUMA: Sure.

DeBOER: So what have you-- what sort of mechanisms have you put in place, or do you think you could put in place, to ensure that the folks that are providing the vendors for you, as you, as it were, are-- would get the funds from the grant funding that, that you're supposed to distribute?

BRYAN TUMA: So I think your question is probably specific to what we're doing with the federal grants.

WAYNE: Could you speak up just a little bit?

BRYAN TUMA: Yes. So I think your question is directed towards what we are doing with our federal grants. I would just say that particular area of our agency has had a considerable number of issues. Right now we are operating with not a full staff. We're trying to replace members. We lost every individual that worked in the federal grants area either left or retired since I came, came to the commission. So we have rebuilt the staff. We've focused on, you know, I think we could describe it as a process improvement plan to restore the functions of the-- of the Grant Division. We're working closely with the federal partners. We went through two site monitoring visits this past year in, in the fall, which identified a number of issues. And we're working through corrective measures on all those items. So we have about roughly five years of past grant activity that we had issues with, and so we're working through those. I think we are getting very close to getting those issues resolved. And then the focus is going to shift towards staff development in-- with an emphasis on our, our normal grant functions, which is getting awards

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out and making payments on, on the grants, the cost that our, our sub grantees incur.

DeBOER: Well, I appreciate that. And again, I'll say to you, as I said to the members of the CVR, as you come across things that you might need legislative--

BRYAN TUMA: Yes.

DeBOER: --help with, please let me know, because we would really like to get the CVR back into top fighting form, and get some of those grants out to people a lot faster that are provided services.

BRYAN TUMA: Yes.

DeBOER: Thank you.

WAYNE: Senator McKinney.

McKINNEY: Thank you, Chair Wayne. And thank you, Mr. Tuma. A couple of years ago, we passed LB50, and within LB50 there was an amendment added, which was my bill, LB601, to create the Officer Misconduct and Oversight Center. My question is, after that happened and it went into effect, there was hesitation by your predecessor to include active officers on this list that should be included in the Officer Misconduct and Oversight Center, because it, it could be an officer who surrendered their certification or had their certifications revoked, been convicted of, or pleaded guilty to-- pleaded guilty or nolo contendere to a felony or a Class I misdemeanor, misdemeanor, or upon adjudication by the council found to have engaged in serious misconduct. This list only includes officers who have had their certifications revoked, and your predecessor was hesitant to include active officers. But the intent and the vision and the premise behind the bill and the-- and the amendment was to have anybody that fell within these categories included on the officer misconduct list. And to this day, we don't have anybody included in this list who's been convicted of, or pleaded guilty or nolo contendere to a felony or Class I misdemeanor, misdemeanor, or upon adjudication by the council, have been found to have engaged in serious misconduct. My question to you is, will you, going forward, include the other two categories if there are active officers that will fall under those two categories on this Officer Misconduct Center so the public could see it?

BRYAN TUMA: Well, I have to be very honest with you, I'm not completely familiar with that requirement, but we are working through

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a-- I'll just say we have a backlog of cases that we're working through. And so when we have an officer who is alleged to have-- you know, is charged with a felony, their status is going to change. And then our training center will make note of that on their active certification. And in most cases, if they're charged with a serious crime, their, their certification or their status is going to be what we call locked, where they cannot be an active law enforcement officer until the issue is resolved. So we are not posting that information to, to my knowledge on our website. Is that-- is that the goal?

McKINNEY: Yes. But my issue is, if they have been found upon adjudication by the council to have engaged in serious misconduct, they're-- maybe there's not any officers that fall, fall within in that category. But my issue was that your predecessor said we will not include active officers. So that leads me to possibly believe there might be some that may fall within that category, but just a blanket statement to say we won't include active officers makes me feel like the Crime Commission doesn't want to put active officers who fall within those two categories on the list--

BRYAN TUMA: Yes.

McKINNEY: --that should be included.

BRYAN TUMA: So I think the-- what would happen is if those officers, if they were in an active status and they're adjudicated through the misconduct process and their certifications revoked, I mean, they're, they're going to be on our list as revoked officers, and their status will be in-- I mean, they'll be revoked, there's they're not in active status any longer.

McKINNEY: But there's so-- but there's three categories. You could be revoked, or you could have been convicted of or pleaded guilty to a felony or a Class I misdemeanor, misdemeanor, or been found to have engaged in serious misconduct. That doesn't completely mean--

BRYAN TUMA: I understand what you're suggesting.

McKINNEY: --everything has been revoked.

BRYAN TUMA: I would just say this. I will go back and look at it and identify if we're deficient in complying with that statute. I'll make that commitment.

McKINNEY: All right. Thank you.

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BRYAN TUMA: Yes.

WAYNE: Any other questions from the committee? Were you standing up to ask a question?

BOSN: No, sir.

WAYNE: All right, I'm just saying you don't have to stand up, it's OK. Seeing no questions, thank you for being here.

BRYAN TUMA: Thank you.

WAYNE: First, we start with proponents, proponents on Mr. Tuma, is that how you say it, sir?

BRYAN TUMA: Yes, Tuma.

BRYAN TUMA: Anybody in opposition? Anybody a neutral test-- testifier? Seeing none, that'll close-- we have one letter of support. And that will close the hearing on the, the confirmation of Mr. Bryan Tuma. Next, we will open the hearing-- open the hearing on Layne Gissler?

LAYNE GISSLER: Gissler, yes.

WAYNE: Gissler. Welcome, Mr. Gissler, to your Judiciary Committee.

LAYNE GISSLER: Thank you very, very much.

WAYNE: Go ahead, sir.

LAYNE GISSLER: Good afternoon, Chairperson Wayne and members of the Judiciary Committee. My name is Layne, L-a-y-n-e, Gissler, G-i-s-s-l-e-r. It is an honor and a privilege to be-- to appear before you today, seeking confirmation of my nomination by Governor Pillen to continue to serve my fellow citizens on the Board of Parole. I am a lifelong Nebraskan who is passionate about serving others. I have a Bachelor of Arts degree from-- in sociology from Doane University, and over 22 years of correctional experience, and have been a member of the Board of Parole the past six years. I have a proven track record of making sound decisions. We have accomplished a lot during the past six years, including a continuity of operations during Covid, procuring and providing much needed community based treatment for parole clients to mitigate risk to community safety, overseeing the implementation of evidence based community supervision strategies that match the risk level of our clients, who are assessed with a validated

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risk assessment upon release, and fostering a strong relationship with the Division of Parole Supervision, allowing the board to have the highest confidence in the supervision of individuals under our legal custody. I am an advocate for evidence based practices and reentry initiatives as these help us make better informed decisions. I am determined to do everything in my power to keep Nebraskans safe and help incarcerated individuals return to our communities as responsible citizens. The parole process is an integral part of keeping people safe, and it is imperative we make the best possible decisions. Part of this decision making process is having regular, in-depth conversations with potential parole candidates to gauge their readiness to live law abiding lives as our neighbors. We discuss the nature of their criminal activity, their program involvement, behavior while incarcerated, what positive changes they have made, what barriers potentially inhibit their success and how to overcome them, and much more. I believe my experience has given me the unique insight when it comes to interacting with incarcerated individuals, and allows me to be aware of what resources they can utilize to be successful. I work closely with, and build relationships with, many stakeholders, including the Ombudsman's Office, public officials, court officials, law enforcement officers, volunteers, and interested members of the public. I believe growing Nebraska and keeping each other safe is a community effort, and together we can accomplish great things. I thank you for your time and consideration, and am happy to answer any questions that you may have.

WAYNE: Any questions? Senator McKinney.

McKINNEY: Thank you. A couple of questions. Number one, it's come to my knowledge that the parole board won't-- or the department or the parole board, one of you, won't be using the violence reduction program, because it was found by a recent UNO study to show that VRP participants returned to prison at a 30% greater rate than other individuals that went through programming. So my first question is, have you guys looked at this study and what is your plan to replace the violence reduction program?

LAYNE GISSLER: First off, that's a clinically indicated program, to somebody from DCS with their credentials are the ones that are making that recommendations. They're the ones that went out and researched and brought the program in. The board-- we do not make program recommendations, we rely on the Department of Corrections. But I've heard the same thing you have. I have not seen the study. In fact, once DCS went out and got the VRP, DPS went out and got an aftercare

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program for, for VR--for VRP aftercare program, which I thought was great. And so going forward, as far as the board is concerned, we're kind of in a, I guess, a holding pattern to see if anything's going to replace that, and if so, what will replace it? We utilize-- that's called one of our core programs, like in our, our parole board guidelines, that is one of the core programs on there to help guide our decision making process. So we're going to need to tweak that once we find out what's going on.

McKINNEY: And my other issue with the department discontinuing VRP is that-- yes or no-- maybe not yes or no, could you provide some context? Do-- you have you guys delayed parole for individuals because they haven't completed that program? And if they're discontinuing VRP, what are you going to do about the individuals who are sitting in prison today based on the requirement to complete VRP when NDCS is discontinuing it?

LAYNE GISSLER: That's a very, very tough question and very good question. You know, and Senator, I'm just going to put it out there. We're the parole board, we want to parole everybody. I always say, you know, you're innocent until proven guilty? I'm going to parole you until you give me a reason not to. VRP is considered a core program, and people have been delayed getting out on parole because they haven't quite completed it. And generally, if everything else is OK, their behavior has been good and everything, everything else is going smooth, we just kind of, we call it, we just defer their hearing till we kind of find out when they're going to be done. We'll ask them and we'll ask the clinicians when you think approximately they're going to complete this program and we just kind of defer it to that date. But being that it is a core program, and up until this study, I thought it was a great, a great program. We would, would defer somebody to do that. Now, in the meantime, I think we're just kind of waiting to see what does replace that. There is an anger management, high risk need. I'm sorry. I don't mean to--

McKINNEY: No, no, you can finish.

LAYNE GISSLER: OK. That, that's kind of a violence reduction-- or at least it addresses anger management. That may. But I don't want to speak for anybody, I'm not a clinician. I, I leave that--

McKINNEY: I guess my concern is, people were delayed based on completing that program, and then they're going to come back in front of you, not having completed that program, not because of them not

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being there to complete it, but because the department discontinued it. So what are we going to do about those people?

LAYNE GISSLER: Well, first off, in your situation, we probably will have to wait until we find out what, what's, what's-- if it's going to be removed. In fact, I just got an email from Ms. Cotton the other day where some people, they've already evaluated him, that's been removed. No problem. It's something I want to bring up. We've set hearings two years from the parole eligibility date. We have in-depth conversations. We, we'll tell the individual, you have a VRP recommendation. I mean, it's not like we spring it on them at their review, so-- and I just want to tell you, there's some sometimes individuals are offered it, refuse early on, and then all of a sudden, oh the hearings coming up quicker, I better get in. Or they've got removed from behavior, sometimes they've gotten removed, from my understanding they just needed to change, but not, not their fault. But, we work with them early on to eliminate all those obstacles. But as far as right now, we really probably need to wait and see what's going to happen with that VRP. Because obviously the clinicians are saying, this guy, he's got a-- there's a violence issue, we need to reduce it. And so I'm, I'm very interested in what that-- what that's going to look like.

McKINNEY: But, but there's also a possibility that people were delayed and not being offered the program that now are going to be affected when they come back before you, because they haven't completed the program. And how are you going-- I guess, how are you going to evaluate somebody who's-- who you delayed, saying complete VRP, but they can't complete VRP.

LAYNE GISSLER: We-- unfortunately we-- it's-- that's a catch 22, it really is. But again, if a clinician-- you know, if, if that was regular anger management, not high risk need, but that was a lower level one, or another non-cognitive program like MRT or T4C, we don't obviously don't hold that against-- I owe any outside that can't. But VRP, because a clinician, a psychologist or whoever, somebody way smarter than me evaluate him, says this guy is a danger, and this is a mitigating tool, there's really not a lot of flexibility when it comes to that program. And so as long as that recommendations remaining on, that's kind of what we're holding them to. Now, like I said, they are going through an evaluate and they're--

McKINNEY: That's the, the issue I have is, we have this issue where we have way too many people who are incarcerated beyond their parole

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eligibility date. And because this program has been discontinued, we're probably going to have more people incarcerated beyond their parole eligibility date, not because of something they did, but because the department or the study said the program was ineffective.

LAYNE GISSLER: A couple things about that, with-- Uh oh, I just lost my train of thought. What with the VRP, again being a clinical program, we looked, we had DPS-- that's one of the questions asked Ms. Micek years ago. There's no similar-- there's not a similar one in the community. And first off, I don't know if we want to put somebody, if they're having some issues, into the community, but there was no-- there's no community wanted to do that. The other one, the other, your statement about-- and I understand we got a lot of people past their eligibility date. And the last I saw, like half of them had been paroled at least once and several of them multiple times. We're gonna continue working with them, we're going to keep them on hearing status if we can. We're, we're trying real hard to work through it, but it is-- that, that's a sticky situation. I mean, as far as me, if I have any-- if I have any doubt that somebody could be a danger to the community, that generally they're not going to get my vote.

McKINNEY: But it was based on completing a program, and they're kind of pretty much in a bad-- in a rock and a hard place--

LAYNE GISSLER: They are.

McKINNEY: Not because of messing up, but because of a ineffective program.

LAYNE GISSLER: Well--

McKINNEY: So, so my second question, how do you view misconduct reports?

LAYNE GISSLER: Me-- you know, obviously, and I, I tell individuals this all the time, if you're getting misconduct reports, to me that tells you how you're going to behave while you're on parole, and I, I talk to them about it, I bring it to their attention. But unless they're losing good time, they're doing drugs, they're getting assaults or fights-- And depending on the length of time, if somebody comes to us in the last week, they were passive or something, that ain't going to hold them up. We're-- mean, I'm a taxpayer, too. I want-- if these individuals are doing things that they shouldn't do, but we can address it at that level. I'm OK with it.

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McKINNEY: But I said through a hearing one time, and somebody was denied due to a misconduct report because they cursed at a guard, because the guard removed a sheet from their bedding at like 3:00 in the morning. And I think the guy said, I'm not going to use the words, but WTF? And he got a misconduct report. And that looked unfavorable, unfavorable against him, and you-- and your board delayed him longer.

LAYNE GISSLER: What I would say about that, again, and this is the hardest thing, and this is probably where the most criticism comes for us. I mean, every case, everybody's individual, everybody's case by case-- that, that had-- if that would have happened five months before his hearing, I would bet you a lot of money, he-- obviously he's going to get paroled. That happened a week before, there might be some concerns. If he didn't lose good time, I would still be surprised if, if it got deferred. I'm not saying he didn't, because I know we have done that before, but I'm speaking for myself. I understand people have bad days, especially in prison. You know, obviously we want him to respect staff, that's a big part of because we're going to-- they don't respect a parole officer.

McKINNEY: But do you think it's a natural reaction, if I'm asleep, and somebody comes snatches something, and make-- wakes me up abruptly at three in the morning, there's going to be a natural response of saying, what is going on here?

LAYNE GISSLER: No, I agree, but--

McKINNEY: And he got a misconduct report, and it delayed his parole.

LAYNE GISSLER: What I would say is there's always two sides to every story. And second of all, I tell these individuals I don't want to parole inmates, I want to parole citizens. I mean, and if you're getting that mad over something, maybe there's something you need to work on before you get out. I understand what you're saying. It could be a snap, and I have bad days myself.

McKINNEY: But--

LAYNE GISSLER: But I'm just going to tell--

McKINNEY: It, it's like, have you ever been woken up out of your sleep?

LAYNE GISSLER: I wish I could see that page in that report.

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McKINNEY: To me, it's a natural human reaction to say what is going on.

LAYNE GISSLER: Yeah.

McKINNEY: And, and lastly, would you be opposed to having cultural competency and implicit bias training for the board?

LAYNE GISSLER: Not at all.

McKINNEY: All right.

LAYNE GISSLER: Not at all.

McKINNEY: Thank you.

LAYNE GISSLER: I'm always welcome for for trai-- for training. I'm always wanting to learn.

McKINNEY: All right, thanks.

WAYNE: Thank you. For the transcribers who, when Senator McKenney said that was his second question, it was really like the eighth question? I just didn't want you all to transcribe this thinking there was some confusion there. Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. Thank you, Mr. Gissler, for coming. And as you know, I've been to a number of your-- of you boards--

LAYNE GISSLER: And I appreciate that.

HOLDCROFT: And I compliment you on the professionalism that you-- how you run your boards. And I know, like Senator Bosn and Senator Ibach have been also to, to hearings. And I noticed, every, every month we do get a list of where your hearings are scheduled. And I think this, in February, you have 100-- 126 hearings scheduled this month at the various correction centers. And I was just wondering, how do you-- how do you prepare for, for each one of those hearings?

LAYNE GISSLER: Well, I'll tell you one thing, this job makes time fly, fly faster than any job I've ever been before, because the first two weeks of every month are our reviews, and we move right into hearings. And so actually, I expect today, within the next day or two, we'll get our dockets for next month's reviews, and you work ahead, and for

hearings, we'll get those about, usually, the first or second week before the hearings. And then you just you, you sit down. It has, you know, your basic information and then you're just-- you're just kind of going, looking at your file. You start getting into the computer, looking at their criminal history, like some of the things I've touched on earlier, their behavior, program recommendations. You know, we get everybody's A-game a lot. And I like to hear, you know, I'll see con-- I'll look at contact notes even to see how they're treating, you know, how they're behaving on a daily basis. And a lot of times there's good things come out of that. You find out they're getting good time back and they're doing some things. And, you know, they always say positive reinforcement is four times more effective than negative reinforcement. So I'll, I'll bring that kind of stuff up. But we get it a couple weeks ahead of time. And then you just, yep, you sit down and it's not a 8 to 4:30 job. There's many nights, I got my little tablet in here, and I'll go, probably, home today and pull it out and just start working.

HOLDCROFT: Yeah. And I-- I have to agree. You, you made the comment earlier that you're-- you try to put as many people as you can on parole. I, I sense that in some of the questions and the way you handled-- the board handled itself. And you also mentioned the internal hearings, which are typically-- or the informal hearings, which are typically about two years before they're--

LAYNE GISSLER: Well, they're not infor-- OK. So, if somebody is eligible February 22nd of 2026, we could-- and today this is their hearing, we could-- or this is a review, sorry. It's a closed review, just us staff and them. We could set that for that two year hearing. And we like to do that, because that tells the department, instead of getting out in 2031 now, now everything goes as well, they're going to be getting out in 2026. So that helps move them up on, on programing lists. It helps them move, maybe to a lower custody facility, it just-- it opens up a lot of things for them. And then because we like to visit with everybody at least once a year, we'll have what's called an informal interview one year later. And I always tell them it's kind of like a doctor's checkup. You know, hey, you know, you got a clean bill of health, you're doing well. And at that point you can talk to them. If they're kind of going down, you know, this pathway, you can kind of reel them back in and say, hey, you're hearings next year. This is what you're going to need to do if there's some programming issues or stuff like that. And then that final year, that's actually their hearing, and that's when they can, can get out on parole.

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HOLDCROFT: Thank you very much, Mr. Gissler.

LAYNE GISSLER: You're welcome. Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

LAYNE GISSLER: Thank you very much.

WAYNE: We'll start with proponents, proponents? Oh, you can get up.

LAYNE GISSLER: Oh, I'm sorry. I figured nobody would testify against me if I stand if you're looking at him like this.

WAYNE: That's one of the way to do it. Any proponents, proponents? Any opponents? Opponents? Anybody testifying in the neutral? All right. There are no letters either way, and that'll close the hearing on Mr. Gissler?

LAYNE GISSLER: Giss-- Gissler.

WAYNE: Gissler.

LAYNE GISSLER: Yeah.

WAYNE: Thank you for being here.

LAYNE GISSLER: Yep. A busy day, it looks like.

WAYNE: Yep. that'll close the hearing on appointments. All right. Good afternoon, and we'll open the hearings on our-- regular hearings today. Come on up Senator Riepe. For those who were not here earlier, I am Justin Wayne. I represent Legislative District 13, which is north Omaha and northeast Douglas County. I serve as the Chair of Judiciary. We will start off, since this is a new hearing, on the hearings itself, introducing staff and members of the committee, starting with my right, Senator Bosn.

BOSN: Thank you. My name is Carolyn Bosn. I'm the senator for District 25, which is southeast Lincoln, Lancaster County, including Bennett.

IBACH: I'm Teresa Ibach, District 44, which is eight counties in southwest Nebraska.

McKINNEY: Terrell McKinney, District 11, north Omaha.

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MEGAN KIELTY: Megan Kielty, legal counsel.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

DeBOER: Hi, everyone. Good afternoon. I'm Wendy DeBoer. I represent District 10 in northwest Omaha.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

DeKAY: I am still Barry DeKay. I represent District 40 out of northeast Nebraska, which encompasses Holt, Knox, Antelope, Cedar Counties, northern part of Dixon, northern part of Pierce counties.

WAYNE: That's a lot of counties. All right assisting us also are our committee pages. We have the, the dream team back, Izabel Kolb from Omaha, who is a political science major and a pre-law major at UNL, and Ethan Dunn from Omaha, who is a political science major at UNO. This afternoon, we will be hearing six bills, and we'll be taking them up in the order listed outside the room. As I stated earlier, over to my right by the column next to the deputies, or State Patrol, there are blue testifier seats. If you are filling-- coming to testify, please fill out a blue testifier sheet to make sure we have accurate records. If you hear testimony here today, then somebody already said it in front of you and say it again, rather than come up and repeat the same thing that was already heard, if you just want to make sure your position is listed in the record, please fill out a gold testifier sheet with your support or opposition checked, and that'll be listed in the record. Also, it is Legislature policy that all letters must be submitted by 8 am the day of the hearing. For those who have submitted online comments, online comments are submitted in lieu of personal comments. So if you submitted online, your testimony won't be necessarily part of the record today. Any handout submitted to testifier-- from testifiers will be part of the record as exhibits. We ask that you bring ten copies of anything you plan to hand out. If you don't have ten copies, please give it to the pages ahead of time so we can make sure you have that. Today, we'll begin with the testimony of the introducer's opening statement. After the opening statement, we will hear from supporters of the bills. Then we'll hear in opposition of the bills, followed by those speaking in a neutral capacity. The introducer of the bill will be given an opportunity to make closing statements after all of that. We ask that you begin your testimony by stating and spelling your name for the record. We will be using the three minute light system. That means when you start, it'll be green, It'll turn yellow with one minute warning. It'll turn red

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when I asked you to wrap up. I'd like to remind everyone, including senators, to please turn off your cell phones, put them on vibrate. And with that, we will begin today's hearing with LB1109, Senator Riepe, and please start him out with a yellow so he only has one minute to open.

RIEPE: You're exceptionally generous today.

WAYNE: Senator Riepe, welcome to your Judiciary Committee.

RIEPE: Thank you. Good afternoon, Chairman Wayne and committee members. My name is Merv Riepe, it's M-e-r-v R-i-e-p-e. I am the senator from District 12. I am here to present LB1109, which allows for abortions up to 20 weeks in the event of a duly diag-- diagnosed fatal fetal anomaly, that clarifies legal penalties, and repeals the 20 week abortion felony. Last year, I made a mistake by not holding to the amendment I had proposed on the floor during the heated LB626 debate. Had I done so, we would not be have-- to have this hearing today. This is a 50 year debate that has divided this nation. We are stuck in a complex place of identifying a balance between the rights of an individual, the rights of the pre-born, and the application of modern medicine. In western countries where this debate has largely settled or been actively ignored, we see elective abortion time limits at around 12 to 15 weeks, with medical exceptions given from that point onward. This is not a position that would leave the most conservative amongst us happy, nor the most liberal among us happy. But it's workable and finds the balance. Both sides of the issue also lean on the discretion of practitioners who can today reasonably ascertain when a defect is inclined to result in death. That brings me to the subject of LB1109, the fatal fetal anomalies. These, by and large, are congenital defects that result in a severely deformed fetus, which, although it may have a heartbeat, it is statistically unlikely that the child will survive birth or long beyond it with palliative care. These conditions are rare, but when doctors can reasonably ascertain that these conditions exist, it is my belief that mothers should have the option up to 20 weeks as to how she and her doctors should proceed with the pregnancy. These women have done everything right. They are want-to-be mothers, they have sought prenatal care and screening, but the genetic-- genetic lottery has swatted them down and they have lost. My approach to this is rigid. The language is designed to require that not one, but two practitioners make the diagnosis and be prepared to stand behind that diagnosis that death is the likely outcome. It requires the diagnosis be death before or inevitably after birth, and be made before 20

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weeks, and the medical abortion occurring before 20 weeks in line with other medical statutes. It does not define a list, nor does it define a criteria. This is a tight space for a practitioner to practice and is deliberately so. This is a decision of life or death and one that should be made with professional training, confidence, thoughtfulness, judgment, and research backed best practices. Over time, research and technology have developed, and the conditions which are likely fatal today, today might not be fatal tomorrow. To note, one maternal fetal medicine practitioner who spoke with my office staff this week alleged this bill will not impact more than ten Nebraskan cases per year. Unfortunately, she seemed upset by the volume-- that the volume wouldn't be higher, but 10 or 1 is still significant. We will likely hear a few individuals reiterate this point alongside others saying it goes too far. With that said, members of the Judiciary Committee, I believe we have found the middle. An uncomfortable place, but the reasonable middle in conservative Nebraska. For some example conditions that other states' orga-- organizations cite as known as fatal fetal anomalies, and I want to note this does not include Down syndrome, nor developmentally disabled children. Some other examples are anencephaly, which is a condition in which a brain fails to develop correctly; sirenomelia, also known as mermaid syndrome, in which the legs of a child are conjoined, conjoined in the web, and the spinal cord often fails to develop. A third is hydrops fetalis, which is a condition in which large amounts of fluid build up in a baby's tissues and organs, causing extensive swelling. These conditions are, simply said, awful, painful, and statistically likely to result in death. Furthermore, they are highly likely to cause physical harm to the mother at a later date and risk her fertility, as was the case with Kate Cox in Texas. This is the reality the mother must face, but a space in which she can take peace in having an option. These women are mothers, sisters, friends and neighbors. We should not allow the government or the church dictate how she who has done everything right to get this much wanted baby, that we should help her to mourn. Nor should we require that if she makes the choice that she be required to travel out of state at her own expense to have this medical procedure done in an unfamiliar and distant environment. I might add this is an extreme burden to low-- someone with a low income that cannot afford to make that decision. As I promised last year, I wanted to address the criminal penalties found in LB626 and passed in LB574. Part of the bill makes it clear if a physician performs a 20 week abortion in accordance with the 20 week statutes, they will not be in violation of the 12 week statutes. Furthermore, LB1109 repeals a 20 week felony. Nebraska law already provides ample ways to prosecute an individual

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who violates this, and 20 weeks currently is the limit for most abortion exceptions, including rape and incest, unauthorized practice of medicine, improper diagnosis-- disposal of remains, and abortion by other than a licensed physician. The tools are ample, but when you invoke medical terminology as the name of a crime, it is made explicitly clear that it is a tool to dissuade those who seek to follow the law from operating within the margins. With that said, thank you for allowing me to share my-- why I found it necessary to fix this current 12 week law, and I needed to fix it in this session and uphold my commitment. I failed last session to hold to my expectations and we have an incomplete law. I feel compelled to right a wrong. Thank you again, Chairman Wayne, and I stand prepared to address your questions within the limits of my knowledge. Thank you.

DeBOER: Are there any questions for Senator Riepe? I don't see any, Senator Riepe, thank you for being here.

RIEPE: Thank you.

DeBOER: We will take our first proponent testifier. Welcome.

TIFFANY PALMER: Tiffany Palmer, T-i-f-f-a-n-y P-a-l-m-- P-a-l-m-e-r. Hello and thank you for having me here today to share my personal experience. In 2018, my husband and I were happy to learn that we were expecting our second child. Our first pregnancy went well, without complications, and we had a healthy two and a half year old at the time. For the second pregnancy, everything was very routine up until our scheduled anatomy scan at approximately twenty and a half weeks, which was in the normal timeframe of twenty to twenty-two weeks. At this scan, our medical team informed us we needed to immediately be sent to Methodist in Omaha for further review. Luckily for us, we were able to get an appointment following-- the following week. We took the day off from work, made the two hour drive, and the results of the appointment and testing would confirm a few days later that our child was diagnosed with trisomy 18. Growing up, abortion has always been a dirty word and no one really talks about it. Prior to our experience, if someone was to ask me the definition, it was pretty cut and dry for me. It was a woman who did not want the child she conceived. I assumed most of these women were unwed and single. No one talks about it, but most people have not ever heard of is the phrase "termination for medical reasons." By definition, the result is the same as abortion. However, when a woman-- when a woman or a couple are faced with a diagnosis of trisomy 18, and the child that they love don't have a chance to live outside of the womb, medical termination should be an

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option. Most tests that are performed for diagnose-- to diagnose abnormalities in unborn children are not performed until after 12 weeks. Even after the diagnosis, women and couples need time to process the hands that they've been dealt. We were fortunate to be seen at Methodist within a week of our anatomy scan. Most people have to wait several weeks to get an appointment and then for the test results. Everyone should have the right to make the best decision for their family. The mother and the father are the only ones that can make that decision, because until you've lived it, you cannot-- until you've lived it, you cannot comprehend the magnitude of the situation. When thinking about abortion, please understand it's not only for the unwanted mothers who had a one night stand. It's a healthier option for those who want a child, but nature gave them the short end of the stick. Thank you.

DeBOER: Thank you very much for coming and sharing your story with us. Let's see if there are any questions from the committee. Anyone have a question? I don't see any. Thank you so much for being here.

TIFFANY PALMER: Yes, Thank you.

DeBOER: We'll take our next proponent. Welcome.

LYNN ZELESKI: Thank you. I'm Lynn Zeleski, L-y-n-n Z-e-l-e-s-k-i. And this is my husband, we're kind of a pair. So he'll be testifying next and with me.

DeBOER: I'm sorry, ma'am, you really don't allow that.

LYNN ZELESKI: OK.

DeBOER: So, we'll just have you come up next afterwards.

SAM ZELESKI: I gather they want me to leave. Won't be the first time.

DeBOER: You can come up right afterwards, OK, sir?

LYNN ZELESKI: So I'm going to try to cut through this because I was told to prepare five minutes. So. Anyway, 1962, I had my first sex education class at Our Savior Lutheran parochial school, and they showed a sweet cartoon where a bride and the groom were getting married, and they kissed, and you saw the bride being carried over the threshold. And then we went inside her body. And we got to see her egg with her little veil and flowers waiting for her groom, sperm, which were wearing big bow ties and big grins, swam up to her, and she

kissed one of the sperm. And then it cut to them, bringing the baby home. Well, I had asked the question, what if she kissed more than one? And I was told that never happens. My second pregnancy, I found out that does happen. And so it was 20 years later, in 1982, and I lived in Norfolk. And as in rural areas, we did not have obstetric care. So I was under the care of a general practitioner. Everything looked great, in fact I felt wonderful. But I started having nosebleeds, and my doctor noticed that my blood pressure was a little higher. My first pregnancy resulted in a child who had apnea and bradycardia, which is where the breathing stops, the heartbeat stops, and you have to revive them. So he thought maybe something was going on and sent me to a specialist, Dr. Frederick [PHONETIC] at UNMC, and after some tests, she sent me to Dr. Goodwin [PHONETIC], her supervisor, for more of them, for more care. So one day I had a nosebleed that the ER couldn't stop, and I was admitted to the hospital and hooked up to IVs. Doctor came in and he did an ultrasound with his staff with him. And, that was when I discovered that I had a molar pregnancy, where tissue was growing outside the uterus as well as inside the uterus. And then I heard him tell his class the devastating news. Which was inside the uterus, you could see how the molar tissue was absorbing the fetus. At that point, I realized I was not having a baby. That doctor hadn't said anything to me. I called my husband in a panic, and he came in and we got Dr. Goodwin there who set up for another ultrasound. And the next day we found out I had a triploidy fetus with a molar pregnancy. A molar pregnancy occurs when an egg is fertilized, but that egg contains no chromosomes. And so then what happens is the tissue is stimulated by the HGC growth hormone that we measure to find out if we're pregnant. And it just keeps replicating cells until it goes outside the body. So those cells were crowding my heart and they were crowding my lungs, and it was the adrenal glands that was crowding that was causing my hypertension and my nosebleeds. The triploidy fetus, is when the egg has all her chromosomes and the sperm has all its chromosomes, but they've got two sets of sperm chromosomes, which means--

DeBOER: Ma'am, I'm sorry, because we're got quite a few folks here today, I'm going to cut you off. I'm confident someone will ask you a question so you can finish your story.

LYNN ZELESKI: OK.

DeBOER: Let's see if anyone will ask you any questions. Well, I will ask you to just quickly give give us the the last few sentences of your story.

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LYNN ZELESKI: So what happens in that situation is, is that the-- because it's encroaching on the woman's internal organs, it's fatal. And so the only protocol for it is to have the termination of the pregnancy. That which is what I did have, there was a policy that it was causing some difficulty with it, which is similar to the law, and that's what my husband will be addressing. There's lots of things that can go wrong in pregnancy. So I appreciate this law trying to save some of the women's lives that are going to be facing us.

DeBOER: Thank you. Are there any other questions? Thank you for being here. Now we'll call your husband up, since-- Welcome.

SAM ZELESKI: My name is Sam Zeleski, and as I understand it, I was invited to testify by Senator Riepe, because Lynn's experience, brutal as that was for us as a young family, and I was-- we were 20s and 30s, about 45 years of experience, though, as an [INAUDIBLE] attorney. I had one son, and I find all of a sudden that my wife is at death's door. Which, OK, we have the best doctor for complicated pregnancy, and we had knowledge that we were at the best hospital. And so confidence was high for a brief moment, that Dr. Goodwin, as described, confirmed the circumstances, which was medically unfamiliar to us, and still at times it's difficult to appreciate. But what was then made clear is that despite these two situations, in a very dire imminent need my wife had, and she had made her decision that this has to be this way. The institutional obstacle was a-- previously, about four months earlier, a policy adopted where they would not proceed with such a termination on site. So they wanted us to head out the front door and go someplace where they could do this admittedly necessary urgent matter, but not in their hospital. And when we spoke with our first, our treating physician there, the expert, no, that was not a good idea. But he could not himself exercise sufficient discretion or authority to do that. And we spoke with other outside doctors to see what possibility we could do this, you know, down the street, or as it turns out, in Kansas, and neither of those relatively expert people could agree that my wife would survive. We moved to another site to be-- to experience this procedure. So then we went back at-- and I, I'm trained at that point at least to be more than just stubborn, but to know there are standards, there are obligations that the institution has. And so I asked for the accountability. I asked for the policy to be reviewed, to be-- whatever exception could be found to be done. Well, that required the two doctors, it's a very comparable policy, apparently to the law today. But they needed the exception for this particular circumstance. It took three steps of appeal within the administration to get to the Chancellor, who was not

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a medical practitioner, to the best of my knowledge, perhaps he was a dentist. In any event, he- may I proceed?

DeBOER: Please, if you can just wrap it up very briefly.

SAM ZELESKI: Doing my best. Doing my best. It was one of those confrontations where you bring everything you have. And after I argued what I thought the law would be. And no one's really handing out descriptions of this. No one's making a record, really, for this. I can't hand you a transcript. I then put to them the question, OK, if this is your wife, what would you do? And somehow that was enough of a threshold to bring at least the key administrator, if not all of them, to change their mind. So within a few hours, my wife experienced that procedure. She is here with us today, 42 years along. She would have been dead and gone that day if we have not pushed immediately and found someone who would at least turn that no into a yes.

DeBOER: Sir. Sir, can I ask you how many weeks along was she at the time? You might have said, I don't--

SAM ZELESKI: It was approximately 20 weeks, I believe.

DeBOER: OK. Let's see if there are questions from the committee. I don't see any. Thank you so much for being here. Before we take our next proponent, I understand there are some proponents that are in the hall that were not able to get in. So if there are folks who are here for another bill, if you would be willing to give up your seat for a little while so that some of the proponents can come in, I'd really appreciate that. We've got a couple people going out, but if there are a couple more that'd be willing to step out for a minute so we could get some other proponents in. And then we'll take our next proponent. Next proponent? Is there someone-- are you here to testify as a proponent? Proponent. I'm told there's some proponents. We'll see if we can find them. Proponents? No other proponents. OK. Can you ask in the hall, because I did receive messages that there were folks, and I don't want to not be fair.

_____: They're checking the overflow room, We're going to check out in [INAUDIBLE].

DeBOER: OK. Yeah. We're going to--

[BREAK].

DeBOER: Then if there are no other proponents in this room, last chance, we'll go to opponents. Can I have our first opponent. If for some reason we did miss some in the overflow room, when we're through all the opponents, we might give them a chance. Since we didn't take a full hour. Welcome.

ISABELLA ORSI: Thank you. Good afternoon, members of the Judiciary Committee.

DeBOER: Could you speak a little louder, and--

ISABELLA ORSI: Absolutely. My name is Isabella Orsi, I-s-a-b-e-l-l-a O-r-s-i, and I'm a student at the University of Nebraska-Lincoln. I'm here today to speak on behalf of the students for Life Action alongside our sister organization, Students for Life of America. We are the nation's largest pro-life youth organization working to end abortion, the human rights issue of our day. Across all 50 states, Students for Life of America has more than 1,400 groups on middle school, high school, college, university, medical, and law school campuses, with groups right here in Nebraska. I am here today to ask you to reject LB1109, for the simple fact that it creates more abortion in the state of Nebraska, not less. Because it says that children with genetic conditions are fit only to be aborted. Because it says the doctors that end a human life shouldn't be held accountable. Nebraska law prohibits abortions after 12 weeks. Yet this bill seeks to remove criminal penalties for doctors who violate that law. What purpose could any law serve if an individual could not be held accountable for violating it? From the American Pregnancy Association, generally, six and a half to seven weeks is the time when a heartbeat can be detected and viability can be assessed. A normal heartbeat at 6 to 7 weeks would be 90 to 110 beats per minute. The presence of an embryonic heartbeat is an assuring sign of the health of the pregnancy. Surely if the absence of a heartbeat is a sign that life has ended, the presence of a heartbeat is proof that life has begun. A human life, a life that our laws should protect and our society should cherish and support. LB1109 operates under the idea that a human being's life should be ended because its span may be shorter than the average human lifespan. It would be unjust to allow Nebraskans to intentionally end the life of an innocent child still growing in their mother's womb, just because that child is deemed less than due to their physical condition. Each human being has the right to live for as long as is naturally possible, whether that life be as brief as 12 weeks in the womb or as lengthy as 90 years. And it is

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imperative that this state protects that right. For these reasons, I ask you to oppose LB1109. Thank you for this opportunity to speak.

DeBOER: Thanks very much. Are there questions? Senator McKinney has a question for you.

McKINNEY: Thank you, Senator DeBoer. Thank you for your testimony. Just one quick question. What is Students for Life Action of America's position on the death penalty?

ISABELLA ORSI: I do not know the answer to that question. I can tell you my personal position on the death penalty if you'd like, but--

McKINNEY: Sure.

ISABELLA ORSI: My personal position on the death penalty, I oppose it.

McKINNEY: All right. Thank you.

DeBOER: Any other questions for this testifier? I don't see any. Thank you for being here. We'll take our next opponent. Welcome.

JEREMIAH ZIMMERMAN: Thank you. Good afternoon, members of the Judiciary Committee. Thank you for the opportunity to speak here today. My name is Jeremiah Zimmerman, J-e-r-e-m-i-a-h Z-i-m-m-e-r-m-a-n, and I am a student at Catholic Distance University, an online school based out of West Virginia, and I live here in Lincoln. I am also speaking today on behalf of Students for Life Action. I am here today to ask you all to reject LB1109, which would allow abortions beyond the state's 12 week limits in cases of fetal-- fatal fetal anomalies. But this would be a grave mistake. A New York Times article from June of 2023 noted that when prenatal tests screened for rare diseases, their positive results were wrong 80% to 93% of the time. That same article noted, in April of 2022, the FDA issued a specific warning about the risks of false positives from noninvasive prenatal tests, instructing doctors not to make suggestions based on these results alone, and stressing the need to follow positive screenings with more reliable diagnostic testing. Specifically, the article noted that the FDA was aware of reports that some women ended pregnancies based on only these results. The results of the screening tests. Wrong 80 to 93% of the time, that is an abysmal rate of error. The American College of Pediatricians has said in no uncertain terms that human life begins at conception fertilization. At fertilization, the human being emerges as a whole genetically distinct, individuated, zygotic, living human organism, a

member of the species homo sapiens, needing only the proper environment in order to grow and develop. This is an undisputable scientific reality, and all life, regardless of its conception or condition, is sacred and worthy of protection. Those born with trisomy 18 have value and are worthy of the chance to live, no matter how long or short their lives might be. In June of last year, Senator Riepe told the Nebraska Examiner, do I like abortions? Absolutely not. Do I want abortions? Absolutely not. But I live in a real world, and I know that there have been abortions before the days of Christ. While I sympathize with Senator Riepe's realist point of view, it is inconsistent. Rape, incest, theft, homicide, and all kinds of crimes have existed since before the days of Christ. Yet we do not see politicians advocating for the legality of these crimes in certain circumstances. I am pro-life because all human persons possess God given human dignity, including my oldest sibling, whom I will never know. I am asking you to consider what science actually shows, that prenatal testing is deeply flawed, and that human life has value from the moment of conception. I ask you to oppose LB1109. Thank you for this opportunity to speak.

DeBOER: Thank you for testifying. Are there questions? Thank you.

JEREMIAH ZIMMERMAN: Thank you.

DeBOER: We'll have our next opponent, please. Welcome.

ROBERT BONEBRAKE: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Dr. Robert Bonebrake, R-o-b-e-r-t B-o-n-e-b-r-a-k-e. I am here on behalf of myself. I am not here on behalf of my employer or institution. I am board certified in obstetrics and gynecology and maternal fetal medicine. I have practiced maternal fetal medicine for nearly 30 years, and in Omaha since 1997, taking care of women and babies in high risk pregnancy situations during that entire time. I've cared for over 15,000 different women and their pregnancies, many of them through multiple pregnancies. While caring for these women and their babies. I have had to share with them that their baby will not be able to survive outside the uterus. I have had the opportunity and privilege to walk with these women and their families through this devastating time on many occasions. LB1109 proposes to allow abortion in pregnancies complicated by a condition that is presumed incompatible with life outside the uterus. This implied premise, that it is-- but this implied premise is that it's better for the woman. There are multiple faults in this premise. Firstly, it implies we, medicine, are always

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correct in the diagnosis that life is incompatible outside the uterus. This is simply not true. Unfortunately, there are times that we are wrong even when consulting with multiple experts in the field. We cannot always know if the child will survive or not outside the uterus. I have been wrong. I've seen others be wrong. I still receive Christmas cards year after year from families, and their growing child that I diagnosed would not be able to live outside the uterus. Secondly, the premise that abortion is better by not making the woman have to suffer by continuing the pregnancy simply by moving up the timeline of the death of the child will make it easier. This is false. The death of the child, regardless of when it occurs, only changes the timeline, not the degree of sorrow or the pain. Furthermore, LB1109 places the decision of choosing when her baby dies on the woman, which can take away from her dignity as a mother. The pain of suffering of the loss of a child will be there regardless when the death occurs. Thirdly, in my experience, those choosing abortion have of-- often have long lasting wounds far greater than those who continue the pregnancy. These wounds can take form of depression, strained or fractured relationships. Conversely, those women who choose to continue their pregnancy and experience whatever lifetime their child has, encounter during that most difficult of times often experience love, beauty, and ultimately healing. Lastly, should a woman choose not to go full term, there are other options that can be put in place, such as indicated pre-term delivery. This is when there is a diagnosis of incompatibility of life outside the uterus for the child, and pre-term delivery can be undertaken at a gestational age that, should the diagnosis be wrong, the issue of prematurity would not have significant impact on the child. I ask and urge you not to support LB1109. If you have any questions now or at a later time, I would be happy to try to answer them. Thank you.

DeBOER: Are there questions from the committee? Senator DeKay.

DeKAY: Thank you, vice Chair DeBoer. Sir, when we're talking about a heartbeat, is there any indication at that 6, 7 week level, if there if it's an irregular heartbeat that could show that there might be problems with that pregnancy at that time? Or does a heartbeat indicate that, that-- which might warrant further testing?

ROBERT BONEBRAKE: So that's kind of-- it's a difficult question. It's a broad question, right? So if we see a heartbeat in a baby at six weeks, sometimes that heartbeat can be considered abnormally low. And that does at times increase the risk slightly that a miscarriage could occur. But I will tell you, it is not diagnostic at all. I cannot tell

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you the number of times that we will see a heartbeat, by definition, that's low, that when you bring them back in two, four, or six weeks, everything is completely fine. So can it. Yes. Does it? Absolutely, and often, no.

DeKAY: OK. Thank you.

DeBOER: Any other questions? I don't see any. Thank you for being here.

ROBERT BONEBRAKE: Thank you, I appreciate it.

DeBOER: Let's have our next opponent, please. Welcome.

ELIZABETH JACOBS-FITZGERALD: Thank you. Good afternoon. My name is Elizabeth Jacobs-Fitzgerald, E-l-i-z-a-b-e-t-h J-a-c-o-b-s-F-i-t-z-g-e-r-a-l-d. I have worked for nearly 30 years as a labor and delivery nurse at CHI Health/ Saint Elizabeth Hospital. I am here on behalf of myself today. I am here to share information with you as you begin consideration of the proposed LB1109. In addition to my role as an L and D nurse, I serve as a coordinator for our perinatal palliative care program, initiated in approximately 2009. Perinatal palliative care is an innovative and compassionate model of support for parents who continue their pregnancies following a prenatal diagnosis, indicating that their baby has a potentially life-limiting condition. Our EMBRACE program begins at diagnosis, usually around 20 weeks. It includes a preliminary medical decision making with a collaborative team before the baby is born. It can be thought of as hospice in the womb. Finding out that your baby has a life-limiting diagnosis is devastating. As people who care, we are charged with asking ourselves, what is the very best long term support that can be provided for a woman who is carrying a baby that will come and go much too soon? First and foremost, the most compassionate thing we can do for someone enduring this hardship is to be willing to enter into their fear and all the unknowns, and the journey alongside with them. All of us in this room can recall a time when we could not see our way through a challenge. Those who helped us navigate our difficulties instead of giving up, are forever etched within our memory. We are grateful they helped us persevere. That same challenge helped define who we have become today. This is our aim. Alongside medical appointments and birth planning, our families receive a recording of their baby's heartbeat. Upon admission, they are greeted with a ribbon tied collection of handwritten encouraging letters. We create birth affirmation cards and reserve a private waiting room for

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family and friends. How we care for the most vulnerable says so much about who we are as human beings. None of us ever know how long our children will live. Finding out that your baby has a life-limiting diagnosis, preparing to say hello and goodbye at the same time, and contemplating the immeasurable grief that you will endure, are undoubtedly the most difficult tasks that any mother and father will ever face. Yet women tell me they do not regret saying yes, regardless of all they have experienced. They're grateful to have known their little one. Rather than remembering painfully the date of their baby's death, their family forever honors the date of their birth. With that, they are at peace. I respectfully ask that you oppose LB1109. Thank you.

DeBOER: Let's see if there are any questions. Anyone on the committee? Senator McKinney.

McKINNEY: Thank you, Senator DeBoer. Thank you for your testimony. I'm curious. CHI, CHI is opposed to this bill. So my question would be, if somebody has a kid with a fetal anomaly, what type of financial services does Si- Chi Health offer to help those families deal with the financial side of this?

ELIZABETH JACOBS-FITZGERALD: Thank you for your question. First and foremost, as I stated, I represent myself today, even though I work at CHI. And I am not a part of the finance department. But I can tell you that when our families come to the hospital, there is no charge, there's no NICU charge when these babies are born.

McKINNEY: What about care at home? Who helps with those finances?

ELIZABETH JACOBS-FITZGERALD: Family members. That's a great question.

McKINNEY: Huge burden though as well. All right. Thank you.

ELIZABETH JACOBS-FITZGERALD: Thank you.

DeBOER: Thank you, Senator McKinney. Anyone else have any questions? Thank you for being here. We'll take our next. Opponent. Welcome.

MAUREEN BAUSCH: Thank you. My name is Maureen Bausch, M-a-u-r-e-e-n B-a-u-s-c-h. I have been blessed to be a nurse and hospital chaplain for well over 20 years. I have worked most of that at Saint Elizabeth, and I've been privileged to work with Elizabeth, with many doctors, nurses, incredibly supportive people, and I've been blessed to be able to walk alongside and accompany the moms and the families with their

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babies with serious illnesses, and at the times of their death. And my testimony's very short. What I want to say is that life can be hard, and we have many things that seem overwhelming. And there are people there to walk in those situations. And I have been blessed to be able to walk with people and to accompany them, to pray with them, and to be supportive along with an entire team. So there's --there are other options that are possible.

DeBOER: OK. Are there questions from the committee? I don't see any today. Thank you for being here.

MAUREEN BAUSCH: Thank you very much.

DeBOER: Our next opponent, please?

ALYSSA MOSER: Good afternoon, members of the Judiciary Committee. Thank you for the opportunity to be here today. I am Alyssa Moser, A-l-y-s-s-a M-o-s-e-r. I'm a senior at the University of Nebraska-Lincoln and a lifelong rural Nebraskan, and I'm speaking on behalf of the Students for Life Action, and on behalf of myself. I'm here today to ask you all to reject LB1109, which says it would remove criminal penalties for doctors who perform an abortion outside of the exceptions for rape, incest and to save the life of the mother. This is completely unacceptable, and removes any accountability for wrongdoing in the committing of what is ultimately a violent act against a human life. And doctors who swear an oath to first do no harm should be held to a higher standard. This law would abandon that entirely. In a survey from the Charlotte Lozier Institute, 67% of women who had an abortion described their abortions as against their values, unwanted, or coerced. That's more than two thirds who were coerced or forced into a decision that ended their children's lives. Women deserve better. Medicine deserves better. What women need are real life saving and life giving resources. You cannot be pro-woman without first being pro-life. There are many pregnancy resource centers in Nebraska that can walk alongside women and support them through pregnancy and early parenthood, no matter their circumstances. And I stand before you today as proof of this. Twenty-two years ago, a little girl was the product of an unwanted pregnancy. Now she is speaking before you as a strong, smart, successful human being, thanks to the gift of life. Thanks to adoption agencies and care centers, my biological mother was able to be supported outside of her family situation, and formed an adoption plan that placed me with the best parents I could ever ask for. Just two years later, two terrified high school kids found themselves pregnant with a baby boy. Their choice to

give him life and choose adoption led to my having a little brother. I cannot even begin to think about what would have happened had our birth mothers chosen to terminate their pregnancies. Why? For the simple reason that my brother and I would not be here. I would not even have gotten a chance to play dress up with my Barbie dolls, bring my mom bouquets of dandelions, or drawing my grandpa pictures to hang on his fridge. My brother wouldn't have gotten to grow up as a John Deere loving farm kid with his best friends, or be the smallest but mightiest player on his T-ball team. We are two of the lucky ones, but so many children aren't as fortunate. Too many babies have had the rest of their lives ripped away because of people who refuse to see that abortion is murder. Don't be the reason any more are lost. I'm asking you to reject more abortion in this state. I strongly urge each of you to oppose LB1109. Thank you for this opportunity to speak.

DeBOER: Let's see if there are any questions for you. Anybody have any questions for this testifier? Thank you so much for being here. I'll take our next opponent. Welcome.

CALLIE HIGGINS: Thank you. My name is Callie Higgins, C-a-l-l-i-e H-i-g-g-i-n-s. We were the recipient of a lethal diagnosis with our third son, Archer. At the 20 week ultrasound, several abnormalities were discovered that prompted further testing that eventually indicated Archer had trisomy 13. Trisomy 13 manifests itself in a few different ways. But when-- but when expressed in its fullest form, it is always fatal for the infant. Some trisomy 13 babies do not make it to term and die in utero. Others live for only a few minutes after birth, while others can live for a few days or even weeks after birth. We knew our time with Archer was going to be limited, even if we-- if we got any time with him at all. But the hope of even a short time with him was something to hold on to. Archer almost did not make it to the point of being born, and just barely survived birth itself. Without the gentle suggestion from one of the nurses to give him a pu-- some puffs of oxygen, he likely would not have recovered. Hearing him cry for the first time was something I will remember forever. We got to experience 26 incredibly normal hours with Archer, and I nursed and he snuggled and he made adorable cooing noises in our arms. He responded to our voices and was loved by many family and friends during his time with us. As he slipped deeper into sleep and eventually stopped breathing, it was still heartbreaking, but we were so thankful for the one day that we had with him and the memories we got to make. It is difficult to fully comprehend and express the receiving of a fatal diagnosis for an unborn child until, until you've actually walked through it. The emotional turmoil, the uncertainty of

the future, and fear and sadness can feel overwhelming. In this moment, it can be difficult to think clearly and make decisions that are fully thought out. For a medical professional to recommend, terminating the pregnancy may seem like the best option for an expecting mother looking for guidance in the midst of the turmoil, but aborting the baby will not change the heartbreak, it will not take away from the sadness, and it, it removes all possibility of hope. Having a baby die may be one of the hardest, most sad circumstances to walk through in this life. But actively choosing to end the life of a baby will not make it any easier, and will only lead to regretting a decision that can't be taken back. Some people may say, what does it matter? The child is still going to die. One path may only give a day, an hour, a minute with the baby, but the other path eliminates all those possibilities of ever having those memories and leads to a lifetime of wondering what if? And knowing that the baby's life was cut even shorter. The best care we can provide to families is exactly the care we received from Saint Elizabeth. They walked alongside us. They helped us face the sadness. They helped us find the hope in the midst of our struggle. They encouraged us to cherish whatever time we had, and that's exactly the support and care we needed. I ask you to oppose this bill. Thank you.

DeBOER: All right. Let's see if there are any questions. I don't see any for you today.

CALLIE HIGGINS: Thank you.

DeBOER: Thank you for being here. Let's have our next opponent. Welcome.

DAWN SANFORD: Hi. My name is Dawn Sanford, D-a-w-n S-a-n-f-o-r-d, and I'm opposed to the LB1109. I was 21 when I got the devastating news that my baby boy had an-- anencephaly. And I did research on it. Had I-- of course I had options. But the last thing on my mind was, what if they're wrong? What if it was a shadow? What if it was all kinds of things. Had I did other options or terminated the pregnancy early, I wouldn't have found out that I could donate organs. And I saved a little girl's life who was fighting, who needed a heart. And at that time I knew that there was a baby, I believe, around the Grand Island area, with a girl with the same diagnosis who was 28 weeks. And had I terminated this pregnancy early, I wouldn't have the memories. I wouldn't have the pictures with my other children. And what is society saying? That people with disabilities are not human. They don't deserve a dignity of life. Let them live as long as they can. I don't

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regret having those memories, having those pictures and things. I had him baptized as well. And it was also something that I had time to process by not terminating that. Because you do have to plan ahead if you're going to do a donation like that. I do know that the hospital, you guys were talking about financial, I didn't pay for my hospital stay. I got free pictures and everything during his time. Yes, he only lived three hours and 44 minutes, but he probably had more love than some children have in a lifetime from our family. He was-- he was part of our family, and I can't imagine doing anything any different. And I had the support from the pastoral care as well at Saint Elizabeth at that time. Sure, it's hard, and nobody wants to lose that child, but I would have never been able to live with myself had I been pushed to do an abortion, wondering if I did the right thing my whole life.

DeBOER: OK, thank you for sharing your story. Are there questions? I don't see any. Thank you for being here.

DAWN SANFORD: Thank you.

DeBOER: We'll take the next opponent.

PATRICIA KORENSKY: My name is Patricia Korensky, P-a-t-r-i-c-i-a K-o-r-e-n-s-k-y. Thank you for letting me be here, and this is my story from 20 years ago. It was at my routine 20 week ultrasound that the technician noticed things are not right with my baby. My doctor sent me and my husband straight to a maternal fetal specialist. The specialist had a machine that could clearly show what was wrong with our baby. It took a long time for him to look at the images from all the different angles. Each was a different picture of my sweet baby girl. Her heart, her brain, her liver, her kidney, her face, her tiny hands and her feet. My husband and I held back the tears as we quietly viewed the images. The doctor apologized for the length of the time he spent looking at the images of our little girl. He told us he wanted to get an-- all the information he could before he told us anything. When he did start to talk, he had a lot of information. Chromosomes, abnormality, genetic makeup, and finally he said it, terminal. He told us it could be a few days, a few weeks, or during labor. But it would happen. She would die. He continued to tal-- he continued to talk, and my mind was swirling, and somewhere in the conversation I heard him say, you need to decide soon if you want to terminate the pregnancy. The world had already fallen from under me. But as he said that, my heart shattered. Horrified, I looked at the pain in my husband's face and then at the doctor. And with absolute certainty, I told the doctor, no, she was our daughter, and she would we be part of our

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lives for however long her heart beat in her tiny little body. Over the next weeks, family and friends grieved with and supported us. At times I would crumble to the floor in tears and tremendous pain. But at the same time that I was grieving, I was cherishing every moment I had with my daughter in my womb. Each kick, each roll was precious. I looked forward to the trips to the doctor to see her on the ultrasound screen, and hear her tiny heartbeat. Every moment of her short life was a gift. Late one evening, with my husband by my side, I was made acutely aware of her very last little flutter. I know the exact moment that her heart stopped beating and her soul was taken away. I was able to share that moment with her father in the quiet of our home together. At 30 weeks gestation, my baby died. She was delivered a few days later at the hospital. Katie Lynn [PHONETIC] was-- Katie Lynn was 2 pounds and 13in long. Her hand was the size of her father's thumbnail. She was so still and so peaceful. In the hospital, her daddy and I kissed her. We rocked her, and we sang lullabies to her. It felt so good to hold her in my arms. Now, 20 years later, I look back. She was our daughter, she was a sibling, she was a granddaughter, and she was a cousin. She had dignity, she had value, and she had a purpose. The ten weeks that we had with her being-- with her terminal diagnosis to her death, gave us time to process what was happening and what would happen. We had no way to know how long it would be, but we allowed nature to take the lead on her life and death, as both as painful and as glorious of a gift as it was, we were blessed to be part of it. Thank you.

DeBOER: Thank you for sharing your story. Let's see if there's any questions? I don't see any today. Thank you so much for being here.

PATRICIA KORENSKY: Thank you.

DeBOER: We'll take our next opponent.

SANDY DANEK: Good afternoon, members of the committee. My name is Sandy Danek, S-a-n-d-y D-a-n-e-k, and I'm executive director of Nebraska Right to Life. I'm submitting this testimony in opposition to LB1109. The underlying assumption of LB1109 is that parents would rather end the life of their child than bring a disabled child into the family, into the world. However, once you start equating the value of life by asking what can this child do for me, our family, or society, it opens the Pandora's box, defining all life, born and unborn, in utilitarian terms. In other words, this bill ignores the innate dignity and worth of the pre-born child likely to be born with a physical challenge. Today, I come before you wearing a different hat

than my position with Nebraska Right to Life. More than 30 years ago, I helped to found and continue to facilitate a ministry called Healing Hearts, a grief support program sponsored by the Catholic Diocese of Lincoln. I'm here as an individual, not representing the Diocese of Lincoln. The program supports families during their grief, including the couples who suffer a life-limiting diagnosis for their preborn baby, a baby that dies in the womb, or a child that dies shortly after birth. For these parents, it's all about their child and the terrible loss they feel after expectations of bringing a healthy, happy child into their home. They are therefore in a very vulnerable state. One can only imagine the devastation and numbness these parents experience when told their child could likely die either in utero or shortly after birth. Then they are told, and sometimes pressured, into seriously considering abortion as a solution to the tragedy, giving the message that the best option for them is to immediately take the life of their child, as though performing an abortion will give them the ability to move on from their death of their child, which eliminates the gift of processing what they are experiencing. You may say that the couples should be able to make the choice. However, their inexperience and vulnerability can cause a compromised decision. It is devastating enough to know their baby could die, but then to expect them to be involved in bringing about their child's premature death can only complicate their grief, not only in the short term, as they try to find a way to manage a life without their child. But even years later, because from personal and professional experience, the grief never completely dissipates. I say personal because one of my children died of trisomy 18. The 2017 Compassionate and Care for Medically Challenging Pregnancy Act is critical to this process. A family can receive the benefits of a prenatal hospice program, including compassionate counseling, to help them examine their options, allowing their baby to die a dignified death, as well as giving them the gift of time to process their grief. As they manage this experience, they can celebrate what their baby contributes to the family structure and know that they did everything they could to honor, nurture, and pay dignity to the very precious life that they will always cherish. Please, opp-- oppose LB1109, and I ask you to reject moving it forward.

DeBOER: Are there questions for this testifier? Senator McKinney.

McKINNEY: Thank you, Senator DeBoer, and thank you for your testimony. I have a few questions. First, are abortions voluntary or involuntary?

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SANDY DANEK: Well, I think what I was trying to make my point of is in this circumstance, what we're here for today, is that my experience is a lot of the couples that I've worked with more than 30 years I've done this work is that they're in such a compromised, vulnerable state that it is difficult for them to make that decision. They're young couples, often, that maybe have little or no experience to the death journey. And so my, my testimony is that I think I find it difficult to offer a solution of abortion for a very tragic experience.

McKINNEY: But are they involuntary or voluntary?

SANDY DANEK: Voluntary, I suppose, if you want to--

McKINNEY: Next question, does Nebraska Right to Life help families financially when they do decide to keep a child that has a fetal anomaly, do you help them financially?

SANDY DANEK: We are a statewide organization. We have many chapters throughout the state. And yes, our chapter, some of our chapters, do that, or we refer to the appropriate agencies that can help.

McKINNEY: OK. Does the Nebraska Right to Life support the death penalty?

SANDY DANEK: We take a neutrality position, but many of us personally have opinions.

McKINNEY: Why do you take a neutrality position?

SANDY DANEK: We are single-issue organization.

McKINNEY: But life is life, right?

SANDY DANEK: That's true. But we nonetheless take a single-issue approach dealing with abortion, infanticide and euthanasia.

McKINNEY: But human life is human life. If you're arguing that your-- arguing for human life to not be basically taken away through a procedure or whatever, then all life should matter so--

SANDY DANEK: I agree with you, Senator. I agree with you.

McKINNEY: Why do you take a one-size approach to this when life is life?

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SANDY DANEK: Because we are single-issue working on abortion, infanticide and euthanasia.

McKINNEY: So you don't care that people are dying.

SANDY DANEK: I do personally care, yes.

McKINNEY: But your organization doesn't.

SANDY DANEK: Exactly. We take a neutrality position. It's not that they don't care. They choose not to work in that area. We have plenty to do working in the-- in the areas of which we are currently in.

McKINNEY: But there's many people that are killed due to the death penalty that are found years later to be innocent.

SANDY DANEK: I agree.

SANDY DANEK: So I would say if we're going to be right to life, you got to be right to life across the board.

SANDY DANEK: I agree.

McKINNEY: Thank you ma'am.

DeBOER: Other questions. Thank you so much for being here.

SANDY DANEK: Thank you.

DeBOER: We'll have our next opponent. Welcome.

KAREN BOWLING: Thank you. Good afternoon, Judiciary members. Appreciate the opportunity to come before you. My name is Karen Bowling, K-a-r-e-n B-o-w-l-i-n-g, and I serve as the executive director of Nebraska Family Alliance. We are a nonprofit policy, research, and education organization. We represent a diverse statewide network of thousands of individuals, families, and faith leaders. When women and their families receive the heartbreaking news that their unborn child may have a life-limiting diagnosis, they deserve compassionate care that provides dignity and promotes healing. Moms understand that the baby within their womb are precious, and a life-limiting diagnosis doesn't define their validity. To moms, the child they carry is perfect, regardless of size or abilities. In 2007, NFA had the honor to work alongside Senator Albrecht and moms who had carried a baby with a life-limiting diagnosis. In my 24 years of

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advocacy down here, it's the most riveting, riveting hearing I sat in. That year, senators passed the Compassionate Care for Medically Challenging Pregnancies Act. What we learn from the courageous testimonies, and like we've heard today from these women, that if there is an option to provide her baby with dignity upon birth, even if they only have an hour life expectancy, moms generally, and mostly, will choose to carry until delivery. Kelly Gerken [PHONETIC] noted that their son Thomas was diagnosed with a life-limiting condition known as Potter's syndrome. Midway through the pregnancy, a doctor gave them a diagnosis using the words incompatible with life. Kelly made the decision to carry their son for as long as they remained with him as a family, but the lives of thousands and-- his life changed not only the life of his family, but the lives of thousands around him. Kelly stated those four and half months of waiting and wondering again and again for the opportunity to sing to him as he left this earth, and the opportunity to be his mother was the best experience that I could possibly have. Many from-- many of you here in the Nebraska Legislature know Trinity Chappelle. She served here under three state senators, a legislative aide, and walked along a journey with her, with her daughter's-- which would be Trinity's grandson was diagnosed with trisomy 18. Fortunately, her ObGyn in San Antonio provided compassionate medical care, and assured her that regardless of their son's life expectancy, the hospital would provide her family the opportunity to cherish every moment. Today, even though he was diagnosed with life-limiting, he is in elementary school, does not have a feeding tube, and continues to live a vibrant life. As I close, I want to share also from the testimonies in 2017. Sarah Taylor put it well. It had-- would have been so much harder being a daughter and never getting to say hello and goodbye at the same time. Her parting act of love to her baby that had passed was painting her fingernails the same color as her fingernails. I ask the committee to indefinitely postpone LB1109 and I'm happy to take any questions. Thank you for your time.

DeBOER: Other questions from the committee? Senator McKinney.

McKINNEY: Thank you, Senator de Boer. First question, are abortions voluntary or involuntary?

KAREN BOWLING: So what we're talking about today, those what the request of Senator Riepe into changing this legislation would be nonvoluntary abortions.

McKINNEY: Why would it be non voluntary?

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KAREN BOWLING: Because a baby has received a diagnosis of a life-limiting diagnosis, but up to this point is still alive.

McKINNEY: But wouldn't a parent have to decide whether or not to abort or not?

KAREN BOWLING: I truly believe because of what was done in 2017, the work that we accomplished, senators in this body, we have an opportunity to give families a different choice. It is a beautiful choice, and it's the choice that I think we can encourage.

McKINNEY: But this bill doesn't take away the choice to keep the kid. It just provides an option. So are abortions voluntary or involuntary?

KAREN BOWLING: It depends on the scenario.

McKINNEY: How?

KAREN BOWLING: What this bill is asking in regards to the right to abortion, up to what we would call are 20 week pain capable. Oftentimes, that is a decision that is made to abort because of, as senator has stated, a life-limiting diagnosis.

McKINNEY: But it's still voluntary. You don't have to make that decision. A woman does not have to make that decision.

KAREN BOWLING: That is very true. A woman does not have to make a decision.

McKINNEY: So it's voluntary, right?

KAREN BOWLING: Yes, if you're asking, do they have to choose an abortion, the option can be no to yes.

McKINNEY: My second question. Do you help-- your advocating against this bill? So does Nebraska Family Alliance assist families that decide to keep their child?

KAREN BOWLING: I am--

McKINNEY: Do you help them financially?

KAREN BOWLING: Yes. So I'm really glad you asked that question. I think earlier you stated, you know, if a baby's a financial burden to your family, I just want to be on the record that that should not be a reason to justify that. And the good news, too, I'm actually serve on

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the board as a representative NFA. There are 29 pregnancy care centers across Nebraska, and all of their services, which we also financially support all their services during pregnancy, post pregnancy and two years after birth are free of charge, no pac-- no taxpayer dollars.

McKINNEY: I don't think I stated that finding the financial burden as a reason for aborting a child. I don't think I've ever said that. I just asked, what is your organization or other organizations helping families financially? I never said because of a financial burden, you should, we should, anybody should be aborting a kid. I never stated that. Just to be clear. I just asked, does your organization help families that decide to keep their kid? Because my reason for this is if we're pro-life and all these things, I believe that you should also be helping families financially.

KAREN BOWLING: And we are and--

McKINNEY: And that's good.

KAREN BOWLING: --honored to do so. And also not only as an organization. Probably most of my staff actually supports a pregnancy resource center here. So it's not only organizationally, but it's personally.

McKINNEY: And my last question. Does your organization oppose the--

KAREN BOWLING: We do not.

McKINNEY: --support the death penalty?

KAREN BOWLING: We did not take a position on that--

McKINNEY: Why?

KAREN BOWLING: Because that's really not what we do--

McKINNEY: But it's life.

KAREN BOWLING: --honestly. But the other thing I would say, if you're looking at it, I think everybody, you know, knows that we approach our public policy to be light bearers of Christ in the public square, and with that, from different faith traditions, which we represent in diverse faith traditions, some faith traditions oppose the death penalty and some support the death penalty.

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McKINNEY: But am I misquoting the Bible when it says thou shalt not kill?

KAREN BOWLING: That's certainly one of the Ten Commandments, and that's very applicable here to LB1109.

McKINNEY: So life is life. So I don't un--

KAREN BOWLING: Life is totally, absolutely.

McKINNEY: I don't understand your neutral position is what I'm saying.

KAREN BOWLING: I appreciate that, and I'd love to have a conversation with you.

McKINNEY: I would love to.

KAREN BOWLING: Yeah, let's--

McKINNEY: I still don't understand your neutral position, especially if it's based on faith in the Bible.

KAREN BOWLING: Yeah.

McKINNEY: Because it's clear that says thou shalt not kill. So it, it, it doesn't have an exception for this, this, or this. It says thou shalt not kill.

KAREN BOWLING: Right, and we could get into a theological discussion, you know, from the Old Testament, and New Testament, and I am not a theologian.

McKINNEY: People were killing people in the Old Testament.

KAREN BOWLING: With that, I would say there are different biblical references that do give opportunity to support the death penalty. And I'd love to have a theological discussion with you, Senator.

McKINNEY: Thank you.

KAREN BOWLING: Yeah. Thank you so much. Any other, some questions?

DeBOER: Thank you, Senator McKinney. Other questions?

KAREN BOWLING: Appreciate your time. Thank you.

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DeBOER: We'll have our next opponent.

MARION MINER: Good afternoon, Vice Chair DeBoer and members of the Judiciary Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. I'm here on behalf of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church, and advances the gospel of life through engaging, educating and empowering public officials, Catholic laity, and the general public. The first thing that I wanted to point out is in the language of the bill, in its definition of fetal fatal anomaly, is that it's a terminal condition diagnosed before birth, and I'm gonna skip a little bit here, that in the reasonable medical judgment, regardless of the provision of life saving medical treatment, is incompatible with life outside the womb and will result in the death of a preborn child upon birth, or inevitably thereafter. Just want you to soak that in. The conference opposes LB1109 as it treats a class of preborn children, babies diagnosed with a life-limiting disability, as a class of people not worthy of life. All human beings, including those not expected to live much longer, are persons possessing the full measure of human dignity. We cannot forget them, or pretend they do not deserve our love and protection as long as they live. To quote the late, great Doctor Mildred Jefferson, we are not willing to stand aside and allow this concept of expendable human lives to turn this great land of ours into just another exclusive reservation where only the perfect, the privileged, and the planned have the right to live. There's no doubt that a family facing this kind of diagnosis is in an incomparably difficult situation, one that no one would choose. They must reconcile with the fact that they will lose their baby. Suffering and loss will be present to them regardless of what they choose to do. But some choices lead to healing and closure. Some compound and complicate the suffering. It is a spiritual work of mercy to comfort the afflicted, as must be better integrated into the practice of medical providers who are tasked with taking these journeys with a suffering family. Prenatal hospice programs are wonderful, beautiful, and life affirming, and they are available to families in Nebraska whose baby has a life-limiting diagnosis. This support and comfort is the way to healing and closure, and is consistent with the baby's right to be treated with dignity. By contrast, a recommendation of abortion, which is what LB1109 is at bottom, is not only forgetful of the dignity of these babies, but also the dignity of the family. We ask you to contend today for the dignity of these pre-born children, their families, and a culture of life that welcomes and recognizes every person's humanity, regardless of condition, and that you do not

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advance. LB1109 from committee. Thank you for your time and consideration.

DeBOER: Are there questions for this testifier? I don't see any.

MARION MINER: Thank you.

DeBOER: Thank you for being here. Next opponent.

JORDAN ZOUCHA: Hello, senators Jordan Zoucha, J-o-r--

DeBOER: You're going to have to talk a little louder.

JORDAN ZOUCHA: Excuse me. Jordan Zoucha, J-o-r-d-a-n Z-o-u-c-h-a. I tremble to sit before you all. I thank you for all the work that you do upholding our laws in this state. Abortion is a hot topic, and I only have a few analogies to provide, I suppose. I recently became a homeowner, last year, and I have yet to find a wife. But should I find a wife one day, and we were to have a child together, I would be horrified if my wife were to turn to me, if we were to find out that our child was deathly sick, and say let's toss him out into the cold because we cannot financially support him. I think we should reflect upon what we're talking about here. We're talking about a person. And a person is a person, no matter how small. I feel small sitting before you all. I ask you to really consider what the implications are if we just cast out people based upon what they're-- what a predeter-- what a predetermined condition that we put upon them, would classify them as, and, and make a judgment based upon that. Might does not equal right. Might does not equal right. We should be reflecting upon what it-- what it means to be a person, ultimately. We should be reflecting upon the fact that just because we have power, does not mean we should wield it over the most vulnerable of our society, even if we determined that they may be deathly sick, whatever it may be. And the only final analogy I suppose I would provide would be eugenics, the early 20th century. It stated that, hey, if somebody is-- if somebody is determined to be useless to society, we can cast them out. I think that there can be an analogy drawn between the eugenics movement in the early 20th century, as well as what's going on right now. Just because somebody is proposed not to be able to survive outside of the womb for very long, does not mean that we have the right to take that person's life. Thank you.

DeBOER: Thank you for your testimony. Senator McKinney.

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McKINNEY: Thank you. So, based on your testimony, do you support the death penalty or oppose it?

JORDAN ZOUCHA: I oppose the death penalty in our society. Thank you.

McKINNEY: All right. Consistent. Thank you.

JORDAN ZOUCHA: Of course.

DeBOER: Any other questions? I don't see any. Thank you for being here.

JORDAN ZOUCHA: Absolutely.

DeBOER: Next opponent. Can I see a rais-- can you raise your hand if you're still going to testify in opposition to this bill? I kind of want to see about how many we have left. All right. Thank you.

DAVID ZEBOLSKY: Hello.

DeBOER: Welcome.

DAVID ZEBOLSKY: My name is David Zebolsky. That's D-a-v-i-d, Z like zebra, e-b-o-l-s-k-y. I'm here on behalf of Nebraskans Embracing Life educational nonprofit. I'm here on behalf of Nebraskans across the state opposed to LB1109. But more importantly, I'm here on behalf of the innocent children who have no voice, whom this bill is attacking specifically because of their severe disability. We are not God. We must respect human life in the womb as much as life outside the womb. These are living human beings, even later into gestation. At 12 weeks, a baby is already bigger than your thumb, rapidly developing and growing with arms, legs, fingers and toes. At 20 weeks, this baby will fill your hand, weighing as much as a can of soda pop, small but completely formed now and easily recognizable just as you or I were. The world's smallest surviving baby weighed 25% less, only eight ounces when she was born and survived in San Diego in 2019. Another recent well-publicized story was of survival of a baby through neonatal intensive care from 20 and a half weeks of gestation, something thought not possible just a few years ago. A healthy human person does not have more value than one who is impaired. One without a disability is not a better person. One with a minor disability is not a better person than one who has a major disability. Our value should not be determined by physical limitation. Killing a severely disabled baby because of a doctor's opinion is immoral, and you will have to rely on pro-abortion doctors over pro-life doctors. Where is

this bill taking us? February 1st of this month in the Netherlands, a Dutch law went into effect allowing parents to kill their child up to the age of 12, whom they deem to be terminally ill or suffering too much. This is the direction this bill is taking us. Government should have no part in the killing of innocent human life. In our culture, we even object to the killing of the guilty with the death penalty. A child in the womb is not guilty of anything. Severely disabled people are gifts to humanity, not a detriment. Look at Helen Keller, or Stephen Hawking. You may have seen the amazing testimony from Nick Vujicic, born with no arms and no legs. Should they all have been killed before 20 weeks? Is your argument that when a human being is diagnosed with a fatal disease, that they should be killed? How many have survived that diagnosis? The truth is, we are all disabled to one degree or other. But you can-- can you see past disability into the hearts, the souls, or the dignity of severely disabled brothers and sisters? Can you look close enough to see their gifts? Can you look past yourself and exercise love and compassion, and see your brother or sister who is no worse than you? If anything, they're better, because they're innocent and without sin. What does this child want? This child wants a chance at advancing modern medical care and recovery. This child wants a chance at treatment, improvement, or a cure, and a higher quality of life, a chance of a miraculous healing, a chance at life just as you or I would. LB1109 is discrimination against the disabled in the highest degree, and it's despicable. Jesus, our Savior, said, whoever-- whatever we do to the least of these, we do unto him. This is exactly what he is talking about. The more disabled a human being, the greater our care should be. Please oppose this awful bill. The state of Nebraska should have nothing to do with the killing of an innocent child inside or outside the womb. Thank you.

DeBOER: Thank you for your testimony. Are there any questions? I don't see any today. Thank you for being here.

DAVID ZEBOLSKY: Thank you.

ADAM SCHWEND: Thank you, Madam Vice Chair. My name is Adam Schwend, A-d-a-m S-c-h-w-e-n-d. And I am the western regional director of SBA Pro-Life America, and I happen to live here in Lincoln. I'd like to call your attention to the written testimony of Doctor Robin Pierucci. She is a neonatologist and director of a NICU. Her testimony brings up two important issues. First, we don't know how long a baby with these diagnoses live. 20% of babies who are born with trisomy 13 or 18 live at least a year or longer, when-- and when they receive treatment for

heart and airway problems, an even a higher percentage survive to a median age of 15 to 18 years. Even The New York Times recently reported on inaccurate prenatal testing that frightens parents. What is certain is that when doctors intervene, a child has a chance. When they decide to decline care, that child has no chance. The second issue is an alarming vagueness in the bill's terms. It would allow abortion when a baby has a condition that will result in the death upon birth, or inevitably thereafter. What does inevitably thereafter mean? We all die either upon birth or inevitably thereafter. Would this bill allow for abortion when a child has a condition that will likely cause him to die within 5, 10, 20 years? 42 years ago, a baby girl was born. Her mother was told that her baby had no functioning kidneys, that she would likely die soon. Technology has advanced now, and this condition can be detected in utero. Under this law, she would have a fatal fetal anomaly. Her mother likely would have experienced pressure from family, friends, even doctors, to abort. The baby won't survive, she'd be told. Decades later, the world would never experience the joy and smiles of Joseph [PHONETIC], Cecilia [PHONETIC], Mary Gianna [PHONETIC], Sophia [PHONETIC], and Chiara [PHONETIC], that baby girl's children. That baby girl is my wife. Those children are my children. It turns out those doctors were wrong. One kidney began to function, and she lived a full-- lives a full and normal life. Her life and the lives of our children could be-- could have been snuffed out if she was conceived in a Nebraska where this bill is law. Many Nebraska hospitals, as been mentioned, have excellent perinatal hospice programs which allow of these babies who are born and live only a short time to be held and loved by their parents, to be dressed and cared for in their dig-- and their dignity as human beings respected. These programs allow parents to spend the cherished mo-- few cherished moments they have loving their babies. And if these babies do die, they die in the loving arms of their mother, not from the sterile instruments, instruments of an abortionist. Nebraska serves women and saves babies through programs like perinatal hospice. Let's encourage and celebrate those programs, not expand abortion for babies who may, or may not, have a disability. I urge a no vote, and I am happy to answer any questions.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

ADAM SCHWEND: Thank you, Chair.

WAYNE: Next opponent. Opponent.

BRIDGET SNOW: My name is Bridget Snow, B-r-i-d-g-e-t S-n-o-w, and I'm here representing myself and my family. When I was 20 months old, I became a big sister for the first time. I was too little to understand what my parents were talking about after the ultrasounds, and just excited to have a baby sister to play with. What I didn't know is that the doctors had encouraged my mom to abort my sister, because she wasn't supposed to function beyond that of a seven month old if she survived at all. My sister is currently a Regents Scholar at UNL. She's made the Dean's List multiple times. Prenatal diagnoses can be wrong. I became a big sister to another girl when I was four years old. When I was six, I got my first little brother. This time I was old enough to understand that something was wrong. My parents were worried all the time about this baby. I was there when he was born because my mom wanted at least one of us to get to meet him. The doctor said he might have Treacher Collins or Trisomy 18. It ended up being caravan. He was small when he was born, 6 pounds. The last time I saw my little brother, he was three inches taller than me and preparing for his high school junior track season. Prenatal diagnoses are often wrong. The FDA issued a warning in 2022 that genetic, noninvasive prenatal screening tests, which are widely used by health care providers, can give false results. Even more than that, there are no NIPT tests that have been authorized, cleared, or approved by the FDA. So this bill would allow doctors to condemn babies to death using untested, unproven screening methods. As a Nebraskan, as a person, I am disgusted by this bill. Mothers deserve better than to be told their baby is a mistake, a failure, a loser of the genetic lottery, a life unworthy of living. They deserve counseling to prepare them, not a doctor signing their baby to die before they have a chance to live. Babies deserve better than being poisoned in the womb or ripped apart. They deserve a chance to fight like my siblings fought. And if they are to die, they should do so with dignity. At any other age, people with a fatal diagnosis are given hospice care. The focus is on respect and dignity. Our most vulnerable, our children, deserve that same dignity. They are a life worthy of living, even if only for a few short moments. Senators, I urge you to kill this bill.

WAYNE: Any questions from the committee? See-- seeing none, thank you for being here, and thank you for sharing your testimony. Next opponent. Opponent. Seeing none, moving on to neutral testifiers, people testifying in the neutral passing. Welcome.

ERIN FEICHTINGER: Chairman Wayne, members of the Judiciary Committee, my name is Erin-- E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. The Women's Fund believes it

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is every person's right to decide if, when, and how to have a family. We offer our neutral testimony for LB1109 because while the bill may indeed help some Nebraskans living under the restrictions of our current abortion ban, it continues to insert politics into our personal reproductive healthcare. While we appreciate that Senator Riepe is attempting to mitigate some of the damage done by the abortion ban passed last session, LB1109 represents only a part of the harm caused when politicians make decisions that are best left to families and their doctors. This bill, like the underlying ban it maintains, is another example of why it is so important that decisions about abortion belong to Nebraskans and not politicians. The government does not get to tell families what to do in the case of a lethal fetal anomaly. Any restrictions or proposed exceptions simply cannot account for the complexities of each person's pregnancy, of each person's experience, and is why politicians have no place making these decisions. Last session, when Nebraskans flooded the hearing rooms and the Rotunda to tell you about the pain that the abortion ban would cause about the various and emotional situations abortion bans do not account for, they were telling you that these are personal decisions. And while the harm done by rushing to pass a 12-week abortion ban last session cannot be undone by this bill, this bill does acknowledge and seek to reverse some of that harm. Ultimately, Nebraskans know that these decisions and situations need to be handled case by case with their healthcare providers and with their families, not politicians. This bill still keeps politicians in doctors' exam rooms, and the only answer is fully putting that decision back with Nebraskans and their medical providers, not negotiating every year who should be able to access the care they need and who should have to carry a pregnancy and under what circumstances. And I'm happy to answer any questions that you may have to the best of my ability.

WAYNE: Any questions from the committee? Senator McKinney.

McKINNEY: Thank you, Chair Wayne. Thank you, Ms. Feichtinger. Are abortions voluntary or involuntary?

ERIN FEICHTINGER: That's a-- I think what we heard today was that these are deeply personal decisions, often emotional. And we believe that that decision really should be left to the patient, to the provider, to the family. So I'm not sure how best to answer your question but, really, it's a personal decision that, with all due respect and I like you a lot, is not really yours to decide.

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McKINNEY: Fair. What are some resources out there for families that do decide to keep a child that is dealing with a fetal anomaly?

ERIN FEICHTINGER: Well, obviously, there's a lot of-- I would-- you know, I'm not an expert on that, but there's a lot of resources, even state resources. But when we spend our time on, you know, bills like this on inserting ourselves into healthcare decisions, what we lose time on being able to do is build up those social safety nets that can really assist those families in whatever decision they've chosen to make. You know, we suck a lot of air out of the room that we could be-- could be better spent really helping Nebraskans as they make those decisions and, you know, live their lives.

McKINNEY: All right. Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. Next person in neutral capacity.

JOHN TRAPP: Good afternoon, Chair Wayne and members of the Judiciary Committee. My name is John Trapp, J-o-h-n T-r-a-p-p. I'm a pulmonary critical care physician, and serve as the current president of the Nebraska Medical Association. The NMA represents approximately 3,000 physicians, residents, and medical students across the state with diverse views. First, I want to thank Senator Riepe for his efforts and work on this bill. This is an extremely important and challenging issue, and we appreciate his willingness to listen to physician concerns and his efforts to increase access to care in complex and, in times, tragic pregnancies. The NMA is in support of Section 1 of the bill, which clarifies that criminal penal-- that the criminal penalty in Section 28-336 does not apply to violations of the 12-week abortion restriction passed last session when performed using accepted medical procedures. Any effort to repeal criminal penalties for physicians providing evidence-based medical care is a step in the right direction and we appreciate Senator Riepe for including that in this bill. The NMA also supports the repeal of the felony penalty-- penalties in Section 6 of the bill. With regard to the provisions of LB1109, which addresses fatal fetal anomalies, the NMA has taken a neutral position. We did not arrive at this decision lightly. As physicians, we want to support access to care and we appreciate that LB1109 is an effort to provide options to patients who are dealing with a very difficult and complex pregnancy. Our neutral position is based on the limited applicability of the bill and the many patients with complex and high-risk pregnancies who would not fall clearly within the definition of fatal fetal anomaly. Of the hundreds of anomalies detected and

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diagnosed in Nebraska each year by my colleagues in obstetrics and maternal fetal medicine, some are minor or temporary and may even resolve with or without treatment. Others, however, can be extremely life-limiting and associated with significant life-altering outcomes for the child and for the family despite medical efforts and the most advanced interventions. The CDC reports that birth defects affect 1 in every 33 babies in the United States each year. Nebraska's March of Dimes 2023 report indicates that 25% of Nebraska infant deaths are the direct result of a congenital birth defect. This rate is the fifth highest in the nation. Screening for certain birth defects may be completed as early as weeks 11 through 13 of pregnancy. However, the presence of many structural anomalies is not detected until the second trimester. The optimal period for screening for structural defects is between weeks 18 through 22 of pregnancy. This is generally the time frame when the patient undergoes a comprehensive anatomy ultrasound, which detects such anomalies. Some of these severe congenital malformations are commonly referred to as lethal or incompatible with life, including trisomy 18, anencephaly, and renal agenesis. However, even for some of the most severe fetal anomalies, prolonged survival has been documented, making it difficult for physicians to predict lethality. As physicians, we need to be able to counsel our patients and to work together with them to make healthcare decisions that are best for them and their family.

WAYNE: I'll ask you to wrap up.

JOHN TRAPP: Yes. LB1109 may allow that in a small number of cases, but there will continue to be very difficult challenges not addressed by this bill as Nebraska physicians try to provide care to patients with complex pregnancies.

WAYNE: Thank you.

JOHN TRAPP: Thank you.

WAYNE: Any questions from the committee? Seeing none, thanks for being here. Next neutral testifier. Neutral testifier. Welcome.

ANDI CURRY GRUBB: Thank you. Good afternoon, Chairperson Wayne and members of the Judiciary Committee. My name is Andi Curry Grubb. It's A-n-d-i C-u-r-r-y G-r-u-b-b, and I'm the Nebraska State Executive Director for Planned Parenthood North Central States. PPNCs provides, promotes, and protects sexual and reproductive healthcare through high-quality care and education and advocacy in Nebraska, as well as

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North Dakota, South Dakota, Iowa, and Minnesota. Planned Parenthood patients rely on us to provide care, including abortion care that is compassionate and free of judgment. We do this because we believe that every person has the right to make healthcare decisions that are best for their body, their life, and their future. Every pregnancy and every decision is unique and that is why Planned Parenthood is here to defend every individual's right to make these decisions for themselves without government interference. When the Legislature passed LB574 last year, senators knew the consequences that this abortion ban would have for Nebraskans. You received letters and phone calls from thousands of your constituents, hundreds came here to the Capitol. Nebraskans shared their personal stories, no two of which were the same, about why abortion was the best choice for them. Doctors came explaining that the ban would force Nebraskans to face pregnancies with complicated or life-threatening diagnoses, unable to access needed care. Poverty alleviation experts shared that Nebraskans with low incomes would be forced to delay care or carry pregnancies against their will because they couldn't afford to take off work and travel hundreds of miles across multiple states to access abortion care. Knowing the consequences, you passed a bill that had devastating impacts on your constituents. And in the 8 months since, we have seen these consequences borne out in people's lives. We have heard about doctors and pharmacists being confused and scared when treating patients facing miscarriages because the lack of clarity around a miscarriage management medication that can be used for medication abortion. Doctors have had to help their pregnant patients facing risks to their life and health leave the state because the legal risks around interpreting the exceptions in LB574 are too great for some administrators. At Planned Parenthood, we are talking to more and more Nebraskans that are having to leave the state which involves taking time off work, finding childcare, incurring travel costs to receive care that they need because they cannot receive it here before the time limit set by LB574. While we acknowledge that LB1109 attempts to address some of the harm done by LB574, it remains abundantly clear that these decisions should be left to the experts: individual Nebraskans and their medical providers, not politicians. Instead of negotiating year after year for limited and hard-to-use exceptions, we need to reject these harmful bans entirely. Nebraskans deserve to decide and that's why we are working to ensure that abortion rights for every Nebraskan are protected, once and for all, through the ballot this November.

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WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next neutral testifier. Go ahead.

CINDY MAXWELL-OSTDIEK: Good afternoon, Chairperson Wayne and members of the Judiciary Committee. My name is Cindy Maxwell-Ostdiek. That's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I'm a mom and a concerned Nebraskan testifying in a neutral position on LB1109. I trust women to make their own healthcare and reproductive decisions and I do not believe pregnancy should be legislated. I opposed LB574 and was alarmed by the chaotic, hasty passage of the bill after it was amended with LB626. It should have been returned to committee, and there should have been a hearing. I watched discussion on the floor between Senator Riepe and HHS Chair Hansen, and the following is from the transcript from May 16, 2023. Senator Riepe: Thank you, Senator Hansen. On April 25, Attorney General Hilgers published an Opinion that physicians that violate an act, such as what is being proposed, would not be subject to criminal provisions outlined under Nebraska Revised Statute 28-336. In the amendment I proposed on Select File of LB626, I included an explicit repeal of the criminal provisions that currently exist in statute. That explicit repealer is not, I repeat, not included in your amendment. Will you commit to me today that you will work with me next session to repeal the criminal provisions currently in statute to give physicians more clarity that they will not be held criminally liable should they violate this act or in this amendment as enacted by law? And Senator Hansen said: Of course. I've watched that clip many times since, and I cannot get past the cavalier way the Legislature voted to pass a bill they knew was flawed. The reason I'm here today is to tell you Nebraskans expect the Legislature to follow through on a promise to correct those errors maintained in LB574 last year. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next neutral testifier. Go ahead.

SCOUT RICHTERS: Good afternoon. My name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska, testifying in the neutral position on LB1109. In the wake of the Dobbs's decision, politicians across the country raced to pass abortion bans despite the fact that the majority of Americans support abortion access. The same happened here in Nebraska last year. Even though the majority of Nebraskans support abortion access, a 12-week abortion ban was hurriedly tacked on to LB574 and passed into law. The consequences were immediate and severe. As a preliminary matter, we acknowledge Senator Riepe for his effort to mitigate some of the harm caused by

the passage of LB574. However, this bill, like the underlying bill it amends, represents an unwarranted intrusion into abortion decisions by politicians when these decisions should always be left to patients and their medical providers. The bottom line is that while LB1109 mitigates some of the harm of LB574, the bill still inserts politics into deeply personal medical decisions. As we've seen from countless news stories across the country in the wake of Dobbs and ensuing abortion bans, people in many different circumstances need access to abortion and only patients and medical providers should be making decisions, not politicians. Across the country and here in Nebraska, we are seeing pregnant people suffering to the point of near death, traveling across state lines to seek the abortion care that they need and having to jump through legal hoops to access care. This is not the approach we need here in Nebraska. The answer is protecting the right to abortion, not negotiating who should have access to care. Nebraskans' access to abortion care shouldn't be up for debate each and every session. The Protect Our Rights Campaign is working to secure Nebraskans' fundamental right to abortion access. The ACLU of Nebraska supports this effort because it puts these decisions back in the hands where they belong, patients and not politicians. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

SCOUT RICHTERS: Thank you.

WAYNE: Next neutral testifier. Neutral testifier. There was a couple of individuals who were out in the hallway who missed the call so I'm going to go back through. Anybody testifying in support? Support? Anybody testifying in opposition? Welcome to your Judiciary.

SCOTT THOMAS: Thank you, Senator Wayne. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s with Village in Progress Nebraska. And we oppose this under the grounds in the 1948 UDHR Article 3, a right to life. I think there's a lot of human rights issues that sometimes are complicated to put a finger on and kind of needle out where the right position is to be on them, come down on which side, where this isn't one of them. We're all just a bunch of babies, you know, we're all just a bunch of grown babies. Bunch of six-foot babies in suits, Burberry sweatshirts, and dresses. So I just want people to recognize that there's an inherent right to life that you're given by God and I would echo all the sentiments of the previous testifiers. I kind of heard what was said. I agree with all of that. Take any questions from the senators.

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WAYNE: Any questions from the senators? All right. Will you make sure you fill out a blue sheet and turn it in?

SCOTT THOMAS: Yes, sir.

WAYNE: OK.

SCOTT THOMAS: Appreciate you all.

WAYNE: Anybody else testifying in the neutral capa-- I mean, the opposition capacity? Anybody else in the neutral capacity? As Senator Riepe comes up to close-- come on up, Senator Riepe-- there were 522 letters: 21 in support, 495 in opposition, and 6 in neutral. Senator Riepe.

RIEPE: Thank you, Chairman and committee members. I appreciate your attention and I appreciate it. I know it's very challenging and a complicated thing. But I want to thank everyone that testified, regardless of their position, for participating in the democratic process. I think that's extremely important. And I want to especially thank the people that drove some distance to get here to testify. I also wanted to point out that President Lyndon Johnson one time said doing the right thing is easy. He said-- also said knowing what the right thing is is really tough. And I want to point out that this particular piece of legislation, LB1109, is about mother's health and these are fatal fetal anomalies and, and determined by two qualified physicians and not taken lightly. And I think that we have to keep our focus on that piece. I also-- I, I wanted to say that I will not be taking a position on the petition that is running through the state. I'm going to-- I will stay out of that. So with that, I would answer any questions.

WAYNE: Any questions from the committee? Senator Holdcroft.

RIEPE: Yes, sir.

HOLDCROFT: Senator Riepe, thank you for being here.

RIEPE: Thank you.

HOLDCROFT: Like you had a choice, but--

RIEPE: It's like the [INAUDIBLE].

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HOLDCROFT: A couple of the testifiers locked in on this one statement about, you know, the anomaly will result in the death of a preborn child upon birth or inevitably, thereafter. Are we all not going to die inevitably after birth?

RIEPE: Well, well put. The intent there is to say-- and I'm all about if the family wants to-- you know, inevitably, the, the, the infant might not be diagnosed as, as fatal at, at the moment and so they might run-- and some of these infants are known to live a few hours, a few days afterwards. And my choice is, if that's what the parent in, in consult with the doctor want, God bless them. I'm for-- I'm all for-- I'm just--

HOLDCROFT: Well, you say-- you said--

RIEPE: --I'm all for choice and keep the government out of the deal.

HOLDCROFT: OK. Well, you said inevitably, I mean, there's no time limit on inevitably.

RIEPE: That's true.

HOLDCROFT: So-- and, and in the-- and you mentioned three diseases and so did one of the doctors.

RIEPE: That I could hardly pronounce. Yes.

HOLDCROFT: Yes, but they're not in the bill. Correct? So you haven't identified--

RIEPE: No, those were examples.

HOLDCROFT: So all we need is two doctors to agree that you have a fatal anomaly and you're going to die some time after birth. Is that not true?

RIEPE: Well, they might be dead at the time I heard them say.

HOLDCROFT: Well, and they could be afterwards. So I happen to have a gene that, you know, the men in my family die at age 45. So is that-- is that a fetal anomaly? I have that gene. I'm going to die at age 45. Get two doctors to come together and say that's a fatal anomaly-- a fetal anomaly.

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RIEPE: Well, this bill is intended as a period of time in pregnancy and not midlife.

HOLDCROFT: But it says after birth-- inevitably, after birth. It-- to me, it just opens up abortion on demand.

RIEPE: Well, I don't think I've ever heard of an abortion on a midlife individual because you would have to be in the mother's womb.

HOLDCROFT: No, but I could be aborted-- I could be aborted in the womb because I have a fetal anomaly that could end my death [SIC] prematurely sometime inevitably after birth. I mean, that's the way it's written.

RIEPE: Well, we're all going to die is you're right. But this is-- that it's inevitable that the life is going to be a matter of-- and physicians. And I'm not a physician, obviously, but they will tell you that-- and they can't tell you exactly how long you will have. I know there was one case, Julie Elizabeth [PHONETIC] was her name, that was shared with me by the Catholic Conference and I think this young daughter lived 41 days, but this is not living 41 years.

HOLDCROFT: All you have to get is two doctors to agree to the fetal anomaly.

RIEPE: Well, these are not dermatologists, these are maternal infant doctors.

HOLDCROFT: Thank you.

RIEPE: Thank you.

WAYNE: Any other questions from the committee? Senator McKinney.

RIEPE: Yes, sir.

McKINNEY: Thank you, Chair Wayne and thank you, Senator Riepe. Does your bill mandate abortions?

RIEPE: Does it what?

McKINNEY: Mandate abortions?

RIEPE: No, absolutely not. We are taking a position that is totally up to the choice of a mother and, preferably, you know, other people that

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are important in her life and with consultation of qualified-- two qualified physicians so we are not mandating.

McKINNEY: So even if two-- so even if two qualified physicians say this, it's still up to the mother to make the ultimate decision.

RIEPE: Absolutely.

McKINNEY: All right.

RIEPE: Absolutely.

McKINNEY: Thank you.

RIEPE: The other thing that we want to do on this thing, because there is a hardship, if through the bill like in Texas with the current 12-week limit and a mother is beyond a 12-week, and she elects to have the medical abortion because it's-- maybe she's turning septic, maybe she wants to protect her, her fertility into the future. There are women who are not going to be able to afford to go to Kansas or Iowa where you can still get an abortion at 22 weeks. So it puts a financial hardship on some women who unlike Mrs. Cox in Texas who could financially afford to do that. So-- but thank you for your question.

McKINNEY: No problem.

RIEPE: Chairman.

WAYNE: Senator DeKay.

DeKAY: Thank you, Chairman Wayne.

RIEPE: Yes.

DeKAY: Thank you, Senator Riepe. Doesn't some of the language in LB574 from last year address ectopic pregnancies, health of the woman, health of the baby and, and doesn't limit it to 12 weeks if those conditions exist?

RIEPE: Well, fundamentally, the bill in LB574 was quickly put together and it was put together with a 12-week limit, which was agreed to in my office with the Governor and then developed through his staff to get up to the point where we merged it in with the, you know, gender dysphoria bill. But there weren't a lot of stipulations in that bill.

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DeKAY: Can we go back to LB626 and didn't LB626 have, basically, the same language in it?

RIEPE: It had some provisions that were more restrictive from a legal standpoint which the medical society didn't like. But I couldn't tell you today. I didn't memorize LB626 and it's been a year, so I can't tell you exactly what was or was not in there but it's irrelevant because LB626 did not become law.

DeKAY: But either one of those bills still took in the condition of the, the expectant mother, expected baby, whether it's ectopic, whether it's going to live or die, whether it's stillborn. So I'm, I'm just wondering what this bill covers differently than what those two bills before they were-- when they were merged--

RIEPE: Well,--

DeKAY: --did differently.

RIEPE: --LB626 is irrelevant because it's not a law. [INAUDIBLE] would apply is LB574 and I can't give you line and detail at this point in time. I can get back to you with that in terms of the comparison and what I would try to do is put them side by side to say this was what was in LB574, which would make it law right now, and what-- if there's any change with the 12 week. And I, I would gladly volunteer to do that.

DeKAY: All right. Thank you.

RIEPE: Thank you. I appreciate it.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

RIEPE: Thank you, sir.

WAYNE: That'll close the hearing on LB1109 and we will open the hearing on LB-- well, we'll take a minute break while Senator McDonnell-- all right, we'll go ahead and start the hearing on LB1360. Senator McDonnell.

McDONNELL: Thank you, Chairperson Wayne, members of the committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l, represent Legislative District 5, south Omaha. LB1368, a legislative proposal crafted to significantly strengthen the security and functionality of

our courthouses through the establishment of a court security and service reimbursement program. LB1360 is introduced not just as a measure to meet the growing needs of our judicial system, but also as a proactive solution to uphold the integrity and efficiency of our legal proceedings. In recent discussions with district court judges, a compelling concern has come to light, the security framework within our courthouses, particularly evident in Douglas County, is alarmingly inadequate. Faced with the formidable challenge of safeguarding 41 judges with only 31 sworn deputies spread across various buildings, the issue at hand is twofold. It highlights not only the pressing need for enhancing security measures but also the burden of the unfunded state mandate that has placed undue strain on our county resources. This situation underscores the urgent necessity for legislative action to support our courts and relieve counties of the financial and operational strain. The challenges confronting our courts-- our courts are multifaceted and unprecedented. The district court, in particular, grapples with high-stakes criminal cases, intensely emotional domestic and protection order hearings which have become hotbeds for disruptive incidences. These disturbances not only pose a direct threat to the physical safety of individuals but also disrupt the judicial process, undermining the efficiency and decorum expected within such esteemed institutions. The logistical and complexities of securing courthouses-- courtrooms distributed over several floors further compound the burden on our security personnel, pushing the limits of their capacity and resilience. At its core, LB1360 provides a viable solution by facilitating financial assistance to counties for the actual cost of, of wages associated with deploying deputies and their supervisors for court security and related services. This initiative is instrumental in alleviating the undue pressure on local jurisdictions, effectively addressing an unfunded mandate that has long strained county resources. By ensuring the availability of dedicated security personnel for each courtroom, LB1360 not only enhances the safety and order-- and order within these spaces, but also contributes to the overall efficiency and integrity of the judicial process. Twofold, safety always first. Second, is the unfunded mandate. We're starting to talk about that, the idea of what do we-- what are we responsible for as a state? Senator Wayne has brought up the idea of jail costs at \$185 million. That could be a friendly amendment in this bill, because we are serious about making sure that those judges are protected and the people that are in the courtrooms that we're here to represent are protected. But also we are serious about making sure that the unfunded mandate is taken care of

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by the state and I think it's our responsibility. Have that subject matter experts behind me to testify today.

WAYNE: Senator DeBoer for questions.

DeBOER: Thank you, Senator Wayne. Senator McDonnell, when you're saying the unfunded mandate, you mean because these are usually state laws that the people have violated that are there or what-- can you walk me through your reasoning on the unfunded mandates?

McDONNELL: Yes, it is based on the, the state laws. It's also based on the responsibility that we've pushed down based on these, these-- the, the judicial process that I think as a state we're fiduciary responsible for.

DeBOER: So we're responsible for the district court--

McDONNELL: The security of those district court judges.

DeBOER: OK.

McDONNELL: And, and, again, the citizens that are appearing in front of those judges.

DeBOER: OK. Thank you. I just wanted to get your reasoning down.

WAYNE: Any other questions? Am I reading this right, it's \$11 million-- \$11, \$12 million?

McDONNELL: 12-- we could say \$12 million.

WAYNE: OK. Now, would you require the counties to reduce their levy by \$12 million?

McDONNELL: No, I am not going to discuss-- well, I'll discuss but I'm about in favor of, of the caps at this time based on if you want to talk about that a little bit.

WAYNE: Well, I'm not talking caps. I'm just saying if they initially-- whatever we reimburse, they, they reduce.

McDONNELL: I did-- in my discussions with the county, with the sheriff, that wasn't part of the discussion. I'm willing to have it. I believe they would do that in different areas where if they got it-- well, if they receive \$12 million, I'm certain they're going to look at different areas they can save.

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WAYNE: And I'm-- and I'm not talking necessarily-- after the reduction there's a hard lid. I'm not saying that. I'm just saying the initial, I guess. I don't know, just throwing that out there.

McDONNELL: No, I, I think that would be definitely a-- for the county board's perspective, I believe that something they would have that discussion but--

WAYNE: OK.

McDONNELL: --it doesn't mandate it.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

McDONNELL: I'll be here to close. Thank you.

WAYNE: Senator McDonnell waives closing. I appreciate that. [LAUGHTER]

McDONNELL: I know you've got a long agenda.

WAYNE: Welcome, Sheriff Hanson.

AARON HANSON: Thank you very much, Honorable-- Mr. Chair, members of the committee. My name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n, Sheriff of Douglas County. Thank you, Senator McDonnell, for, for bringing LB1360. Douglas County Sheriff's Office does stand as a proponent and here's why. Douglas County is obviously the biggest county in Douglas County-- in, in the state of Nebraska. If you look at it for the numbers, I'm, I'm the sheriff over roughly 30% of the population in Nebraska. The Douglas County District Court, county court, juvenile court is the busiest court system in the state and so we're, we're a pretty good barometer as to the needs. But if you look at my agency, we're broken into 3 bureaus. We have a detective bureau, a Road Patrol Bureau, and Court Services Bureau. That Court Services Bureau makes up half of my manpower. Why? Because per state statute, to Senator DeBoer's point, we are statutorily responsible for securing that courthouse. We are essentially the U.S. Marshals of the state of Nebraska in each county. And that extends to responsibilities such as threat management for judges when they get threatened, temporary holding facility for inmates. We have to transport inmates to and from correctional facilities. We have to handle all the young adult courts, the civil courts, the juvenile courts, the county courts. We have to pursue the warrants that the judges order, civil process, entrance screening officer positions, which we civilianize. But we're the only

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county other than Lancaster County that has those civilianized. I don't know if they have civil process civilianized, but we've found ways to have efficiencies there. And because we have this huge responsibility, because Douglas County Courthouse is the crossroads of, of virtually everyone in the county: rich, poor, law-abiding citizen, people traversing the criminal justice system, lawyers, people in the middle. All roads travel through there. We have disturbances in there. We have fights in there. It's 6 levels in an 180-year-old building that was not designed for modern day policing, modern day court services. We have a proportion right now of 31 deputies to 41 judges. It's too low. We know best practices, at minimum, should be one deputy per judge and that's not even counting all the extra deputies you need to process civil process, execute warrants. It's a lot. And we do think that because we're currently straining all our other bureaus, we can't have more deputies in Road Patrol or in criminal investigations because we have to deploy our resources to the courts. I have to hire 5 lateral deputies here soon, probably hire 3, all 3 of those will have to go to the courts because we're the only law enforcement agency, the buck stops with us, to keep that courthouse safe, the judges, the people that work in it, and the people to traverse through it. Lots more to say, but I'm sure it may come up in follow-up questions. We do appreciate your consideration from LB1360.

WAYNE: Any questions? Senator DeKay.

DeKAY: Thank you, sir. Thank you, Sheriff. You mentioned hiring 3 to 5 more. What's the-- for your department, what's the ideal number of more law enforcement or sheriff's department deputies would you need to hire to be-- that what you would consider an adequate level?

AARON HANSON: So I think if you look at our budgeted strength right now, roughly, we're budgeted for about 151 deputies. That's sworn deputies, we're roughly a 250-person agency. And, again, half of those between sworn and civilian are deployed downtown. Honestly, we do need, probably, 10 more deputies down in courthouse security just to get us to that 1 to 1 ratio. We want to know that a deputy can respond per judge to help. I've had to start covering protection order hearings because we simply don't have enough deputies down there. So I'd sleep well at night if we had one deputy per judge for courthouse security. I think our numbers are ample when it comes to warrant service but, recently, we've had to redeploy all our warrant deputies down to the courthouse, as well as our community action team, Road Patrol deputies, and special operations group team. That's the group

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that goes after high-risk offenders, cartel groups, simply because we did not have enough deputies to cover all the homicide trials that we had stacked up in the month of February. So we need 10 more deputies downtown by my estimation. I think we probably need another 5 to 10 more deputies on Road Patrol, another 5 deputies in the Criminal Investigation Bureau. So you can imagine how we get taxed and the rest of the agency because of this state-mandated court security function, which is our obligation but we-- that's why this conversation is so important.

DeKAY: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

AARON HANSON: Thank you.

WAYNE: Next proponent. Welcome.

TERRY WAGNER: Good afternoon, Senator Wayne, members of the Judiciary Committee. Thank you for allowing me to be here. My name is Terry Wagner. I'm the sheriff of Lancaster County and I appear before you today in support of LB1360 on behalf of the Nebraska Sheriffs Association and Lancaster County Board of Commissioners. I've included in, in my testimony there, the statute that requires us to attend to the district court and to the county court as, as they may direct. And you can see by that statute the sheriff is required to attend. I'm not sure if attend is defined in statute, but we can be-- we can be ordered by the court to have deputies in, in their courtroom whenever they feel the need to do that. In Lancaster County, we have 7 county court judges, 8 district court judges, and 1 district court referee, and 4 separate juvenile court judges. So we have 20 courtrooms to carry-- to cover. We do that with a staff of about 2 sergeants and 12 deputies. It's a juggling act, not every court is in session every hour of every day. We know that. We have 8 commissioned building security guards that staff a, a building security checkpoint at the-- at the entrance to our building and that helps give us a little bit of, of solace in knowing that the people coming through aren't armed. I, I broke down the wages of our employees that provide those duties for Lancaster County, total cost. And, and whether or not those building security officers would, would, would apply to this bill, I'm not sure, but the total bill there is about \$2.4 million for Lancaster County to provide-- that's just personnel, that's not counting administrative costs and some of those other costs that are involved

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there. So that's about 13.25% of my annual budget is dedicated to court security. So LB1360 is a commonsense bill that will help reduce property taxes. I urge the committee to send LB1360 to the floor and I thank you all for your time and I'd answer any questions you might have.

WAYNE: Any questions from the committee? Senator Bosn.

BOSN: Thank you. Thank you, Sheriff Wagner. Can you tell me, are, are there physical designs in the courthouse that contribute to the need for more officers or for this number of sheriff's deputies.

TERRY WAGNER: We are fortunate. You know, our building was remodeled and redesigned 25 years ago and, and courtroom security was a, a big topic of that design. And, and so it really has helped us reduce the number of deputies. You know, we don't have 20 deputies to put one in every courtroom. I think my, my, my peers in other counties in the state, you know, their buildings are 100 or so years old. They were never designed with court security in mind and it is more difficult for them to secure their judges in their courthouses, although it's less frequent and, and less volume than it is for us. So I think the physical, that's another thing that could happen is to help with physical design of some of the courthouses to make them more secure. Does that answer your question?

BOSN: Yes, sir.

TERRY WAGNER: Thank you.

WAYNE: Any other questions from the committee? Seeing none, can you spell your name just for the record?

TERRY WAGNER: I'm sorry. Terry, T-e-r-r-y, last name is Wagner, W-a-g-n-e-r.

WAYNE: Thank you.

TERRY WAGNER: Thank you.

TIM HRUZA: Afternoon, Senator Wayne, members of the Judiciary Committee. My name is Tim Hruza. Last name spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in support of LB1360. Want to thank Senator McDonnell for introducing it. The Bar Association is here in support of the bill for one, one reason only and that is no, no-- I guess, let me be clear that we make no--

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take no position on where the funds should come from. We just generally support having more security in our courtrooms. What I can tell you, as we discuss this bill and looking at it, Lancaster and Douglas County have-- I mean, their sheriffs do a very good job of providing security services for entry into courthouses and those sorts of things and not-- definitely not being critical of counties out in rural Nebraska with the resources that they have, but you have a wide disparity in county courthouses and in courtrooms in terms of the security that is provided to lawyers and judges that are in those every day. And as, as many of you know, there are hot button issues and very serious matters that take place. You-- I hate to bring up a social media example, but you may have seen in the last couple of months the viral video of a defendant in courtroom-- in a courtroom attacking a judge. And I don't think that happens every day, but it is always a risk for lawyers and judges who are in courtrooms dealing with defendants both in criminal cases and civil matters. Right? Some of the divorce issues and family law situations that judges and lawyers deal with are some of the most hot button and passionate instances. So with that, we thank Senator McDonnell for bringing attention to the issue of courtroom security. We support any efforts to provide more resources for that across the state. Thank you very much. Happy to answer any questions you might have.

WAYNE: Any questions? I have a question. So you don't mind if it comes from court fees?

TIM HRUZA: We would have to have a long conversation about kind of the court fee structure.

WAYNE: You just said you didn't mind where the-- taking a position of where it comes from.

TIM HRUZA: We have-- yeah, we have-- we have absolutely supported increases in court fees for various, different purposes. I think that's a conversation we'd be willing to engage in.

WAYNE: I didn't say increase. I just said you don't mind if we take it from court fees.

TIM HRUZA: I think we would have to-- we'd have to have a conversation about which court fees you might be looking at, Senator.

WAYNE: [INAUDIBLE] retirement?

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TIM HRUZA: That is-- that is one that we would have to have a very long conversation about.

WAYNE: Oh, so you do care where it comes from.

TIM HRUZA: For the same reasons-- for the same reason that we support ensuring that judges are, are compensated sufficiently. This would be the same sort of thing, right? Not only for protecting the judges, but the lawyers who walk into those courtrooms are, are at risk every day as well, so, and the citizens. Right?

WAYNE: It depends on the, the, the attorney. I know in Douglas County they let me-- they, they hope I get beat up and, no, I'm joking.
[LAUGHTER] Any other--

TIM HRUZA: No comment, Mr. Chairman.

WAYNE: --any other questions? Thank you for being here.

TIM HRUZA: Thank you.

WAYNE: Next proponent. Welcome.

ELAINE MENZEL: Good afternoon, Chairman Wayne and members of the Judiciary Committee. For the record, my name is Elaine Menzel. It's E-l-a-i-n-e M-e-n-z-e-l. I'm here today on behalf of the Nebraska Association of County Officials in support of LB1360. First of all, we would like to thank and express a great deal of gratitude to Senator McDonnell for bringing this legislation before you and I believe that the prior testifiers have done a good job with respect to identifying the reasons with which we would also support the legislation. The sheriffs explained to you that counties are required to provide security for judges in their courtrooms and I believe that goes to where the analysis would be with respect to a definition for your question, Senator Wayne, on what unfunded mandates mean in this situation. So with that said, I-- if you've got any questions, I'd be glad to attempt to answer them.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

ELAINE MENZEL: Thank you very much.

WAYNE: Any more proponents? Proponents? Any opponents? Opponents? Anybody testifying in the neutral capacity? Seeing none, as Senator

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McDonnell comes up to close, we have 2 letters and both of those in support. I just do want to say something before Senator McDonnell closes. So I was recently in a, a sentencing in Douglas County, and not everybody gets to actually participate or see the issues. It was a homicide and after-- and just so people understand, during a, a sentencing, you have victims there who get to express their own concerns. And you, oftentimes, have 1 or 2 deputies on the, the defendant. But in that particular case, it was a packed courtroom with tensions very high. And I think-- and I'm looking at Senator Hanson-- I mean, Aaron-- Senator-- I don't know if you're running for senator or not-- but Sheriff Hanson-- and there were probably 7 to 8 deputies there just to make sure things didn't go in the wrong direction. So I say that to say that we have a lot of those cases where the alleged victim or victims' families at sentencing state their belief of what should happen to a judge and tensions are very high. And so the need for deputies and people there, I can only imagine what rural Nebraska is going through. But in that particular situation, I will tell you that there is definitely a need for sheriffs to be in those-- in those rooms and those facilities just for the de-escalation purpose if no, no other reason. So thank you for bringing this bill, Senator McDonnell, and you can close.

McDONNELL: Thank you, Senator Wayne. That's pretty much my closing. Thank you. [LAUGHTER] It, it really-- and Senator Wayne's personal perspective, I just want to thank the, the, the people behind me, but he's, he's seen it more than, than most. The idea of the safety first, yes, definitely, getting that number up to where it should be and then us potentially paying for it because I think it's our fiduciary responsibility as a state. And then, hopefully, that would potentially lead to some property tax relief. But, again, it's about the, the safety of the people in the, the, the courthouse. And I appreciate the committee, I know you got a busy-- a busy day ahead of you so thank you.

WAYNE: Senator DeKay, you got a question?

DeKAY: Yes. Thank you. I appreciate you bringing this today. I do-- one question that was brought up by Senator Wayne just a little bit. Where do you anticipate the funds coming from to take, take care of this bill?

McDONNELL: Right now, I would take it out of the Cash Reserve. Based on as a state when Senator Wayne and I first were elected in 2017, we had \$1 billion problem. At that point, at the end of the year, at the

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end of 2017, we had \$3.4 billion, let's call it the state's checkbook. OK, that's, that's cash funds. That's outside of trust. That's outside of pension funds. We're going to get that report on March 12. I believe that's going to be over \$10 billion in the state's checkbook. That's where we are right now as a health-- financially health of a state. Right now, it's how healthy we are now. Now, the Forecasting Board will meet a week from tomorrow. I believe right now that we have more dollars to invest in the, the, the safety and the growth of our state than people realize. And I'll get that-- all that information to you so you can-- you can look at it.

DeKAY: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

McDONNELL: Thank you.

WAYNE: Next, we'll have-- we'll close the hearing on LB1360, and we will open the hearing on LB1021. Welcome to your Judiciary Committee.

MARGARET BUCK: Thank you, Senator Wayne. Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Margaret Buck, spelled M-a-r-g-a-r-e-t B-u-c-k. I'm the legislative aide for Senator Machaela Cavanaugh. She had a personal matter to attend to and apologizes that she can't be here in person. LB1021 mandates that a minimum wage or higher be paid to incarcerated persons who have a job and provide labor that benefits a state-- our state or local political subdivision. According to a recent article by the Nebraska Examiner, inmates in Nebraska Corrections who are able to work earn between \$1.21 and \$4.72 a day depending on the job they perform. Currently in statute, there is some language that says the prisoners have to pay for their own confinement, basically. This bill would remove that so that the wages they would earn would be more beneficial for families, would help better prepare them for returning to society. They will still have to pay for necessities that they currently get, like in the commissaries, but additional-- and additional items that they might need or want. Specifics of the bill includes the management and distribution of these wages for inmates working while incarcerated. We tried to keep it somewhat similar to how it currently works for Corrections, except for the wage itself, but this bill mandates that a portion of an inmate's wages, after necessary deductions, are set aside in a separate wage fund with specific percentages allocated to a deposit account for that inmate's use upon release or purchases within

the jail or prison commissary. Additionally, it details the distribution of the remaining net wages for family support, legal obligations, restitution payments, and contributions to the Victim Compensation Fund. The bill outlines the employment, working conditions, and financial management of inmate labor. It encourages work and vocational training to foster responsibility, reduce jail operation costs, and specifies conditions to prevent displacement of nonincarcerated workers. It mandates that the Jail Standards Board set rules on labor conditions and compensation considering work quality, skill, market value. Inmates can have their earnings invested, and administrators may use inmate wages for damages or costs caused by the inmate. Inmates are protected against excessive labor and working while unfit as per medical advice. The bill establishes a process for handling and transferring inmate wages for the purpose of satisfying-- satisfying restitution orders. It details the collaboration between Jail Standards Board and the state court administrator to create funds or rules for fund transfers. It treats sentencing orders for restitution as authorization for administered-- administrators to hold wages. It applies to inmate wage funds, post act effectiveness, mandates annual reports to the Legislature, and requires administrators to provide necessary data for these reports, enhancing transparency and accountability in managing restitution payments. One last item: the handout is an amendment that Senator Cavanaugh had drafted, which encourages proper working conditions by asking the department and political subdivisions to abide by OSHA requirements, even though they are not subject to OSHA by federal rule. I thank you for your time and attention to this matter. And if you have questions, we'll be happy to answer them after the hearing via email.

WAYNE: Thank you. Turning to proponents. Proponents. Welcome back.

JASON WITMER: Hey, thank you. Good afternoon. Good evening, everybody. My name is Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I'm the policy fellow at ACLU, and we are here in support of LB1021. We all have a stake in the success of those who are incarcerated, especially when it benefits everyone involved directly or indirectly. LB1021 presents a compelling strategy to achieve this goal. Research indicates that individuals who become incarcerated-- individuals who become incarcerated have a lower education and employment in compared to those in general public. Education and employment are known to have positive effects upon reducing recidivism rates. While there has been a new initiative to implement meaningful education opportunities in the Nebraska correctional facilities, it is essential to recognize that meaningful employment cannot exist without meeting minimum standards and minimum

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wage is one of those minimum standards. The collateral-- the collateral consequences of incarceration are often overlooked. Victims struggle with trauma and the financial impact of crime that happens to them. Single mothers try to make ends meet without support. Children go without birthday gifts, Christmas gifts. LB1021 goes beyond addressing the exploitative nature of prison labor. Paying incarcerated individuals the minimum wage for their work is not just about fair compensation, it's about allowing them to meet their financial obligations, such as paying restitution, child support, being able to participate in their child's life, such as gifts that may-- investing in their college. Further, meaningful work promotes prosocial behavior inside the correctional facility. It also allows them to develop responsible financial habits which significantly contribute to their success upon reentering society. Again, the benefits of LB1021 go beyond paying minimum wages to the incarcerated individual. It invests in those impacted by the behaviors who are not responsible. It invests in more prosocial and rehabilitative environment within those facilities. It invests in a reduction in recidivism, which is an investment in public safety. LB21 [SIC] is not a minimum wage bill. This is a minimum investment into all those impacted or potentially impacted by current practices that utterly lack accountability. So with that, I urge this committee to pass LB1021. If there's any questions.

WAYNE: Any questions from the committee? Seeing none, thank-- Senator McKinney.

McKINNEY: Thank you, Chair Wayne. Thank you, Jason. Quick question. Are incarcerated individuals slaves?

JASON WITMER: According to one of the amendment-- one of the constitutional things. However, slavery is not-- has no safety measures for our community. People come out worse than they are when they're treated less than somebody that we want to be our neighbors.

McKINNEY: I ask this question because I'm sure somebody might-- maybe they won't come up here and oppose this bill, but if they do, they'll argue that they committed a crime, they lost whatever rights or whatever, and they just should be happy to have a job or whatever. But in the United States of America, slavery, slavery was abolished. And Senator Wayne was able to pass a bill a few years ago to take slavery out of our state's constitution. So I'm trying to figure out, what do you think is the justification for paying men and women way below the state's minimum wage for work? Like these chairs we're sitting in,

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were more than likely made by men and women inside of Corrections that were paid, probably, a dollar or less.

JASON WITMER: A dollar a day or something.

McKINNEY: Yeah.

JASON WITMER: I would say-- so when I was writing this-- and part of what I say in here is we know the system is not set up for success. We try to pass some bills and try to get some movement to have success. But one of them in far is this shows that people, when they buy into why would you pay the minimum wage when we're out here struggling, they did what they did? But as I pointed out, the people who have not committed the act are also suffering the consequences. Who pays restitution when you're getting \$1 a day? What are-- where are they going to get that restitution, that victim, that their house was set on fire or, or whatever the restitution is applied to? Where is the child support coming from? Who's going to be able to pay child support if they don't-- and minimum wage requires working. They're not getting minimum wage for being there. They're getting minimum wage for working. So there's all types of investments that that goes back into, including a person to be able to make more than \$100 when they get out in 10 years, because they're getting \$100 gate fee, as was presented by Lieutenant Governor at that, that event when he said, we're going beyond where we gave a person a day's wage and sent them out the door and hope it worked out. That's what the Lieutenant Governor said. And I completely agree with that, we should be beyond that. So if we're going to spend half a billion dollars on a prison, we should spend some money on making sure people are successful so we don't spend another half a billion billion dollars on another prison or people being victimized because somebody just hasn't had the adaptive skills. And employment again-- I'll, I'll-- I don't have to go-- the reason I don't quote a bunch of research to you guys is because I know you-- we all know employment contributes to successful individuals in society, gives them purpose.

McKINNEY: And, fundamentally, because they're not slaves.

JASON WITMER: And they're not slaves.

McKINNEY: We talk a lot about other countries and sweatshops and all type of other things and try to say they're wrong, but we're liter-- we literally have, as of now, illegal sweatshops in the state of

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Nebraska because we're paying men and women below the minimum wage and we're justifying it because they're incarcerated. Thank you.

DeBOER: Thank you, Senator McKinney. Senator DeKay.

DeKAY: Thank you. I toured down at, you know, the Penitentiary and, and we saw people working. I'm just-- and I never caught it that day, but I am curious how many hours a day does a person work in the woodshop or work with training the dogs and how many hours of that day do they spend doing that?

JASON WITMER: If they're allowed, it would-- everybody would work 8 hours a day, 10 hours a day. Because one of the things about prison is it, it puts you in such a dark place that if I can just go do something then I don't think about-- even if they're paying me a dollar, which again, it's, it's like slavery. So they would work. I would put, put this out. In the '90s, the tech industry, I can't say what's been in since, was paying minimum wage in NSP. And those guys, almost none of them were getting in trouble because I didn't want to lose the job, they were sending family-- they had kind of a similar thing where they were sending money home. There was a victim's restitution money so that, that all contributed back to the community outside the prison as well as inside, so.

DeKAY: Thank you.

JASON WITMER: You're welcome.

DeBOER: Any other questions? Thank you for being here.

JASON WITMER: Thank you.

DeBOER: Next proponent, please.

JASMINE HARRIS: Good afternoon, Vice Chair DeBoer and members of the Judiciary Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy at RISE. I normally come with testimony that presents an argument based on data that is quantitative and from anecdotal experiences of being an organization that serves people daily who are impacted by the laws, rules, and regulations of the criminal legal system. One of the goals that I created when structuring our policy and advocacy plan was to create opportunities for system-impacted individuals to have their concerns and ideas voiced and heard during the legislative process. For me, this means even individuals who reside in the correctional

facilities. I received a letter from an individual who was incarcerated who wanted to ensure RISE was in support of LB1021, and this is some of their justification to support this bill: LB1021 would provide incarcerated Nebraskans the dignity of earning work experience, a stable work history, and actual income in reentry skills, as well as a viable reentry savings. The person goes on to say: The financial benefits alone provided by this bill are innumerable, allowing incarcerated people in Nebraska to contribute to the state's economy by earning the actual minimum wage, which the bill appropriately apportions to have 75% set aside to offset many of the costs of incarceration, including support and restitution obligations, funding the Victim Compensation Fund, and creating a true reentry savings account. The last quote from this individual: You and I know that, contrary to polite opinion, most incarcerated people do want to prepare for successful reentry, fulfill their financial obligations, and support their families, victims, and communities. Not having a job with a livable income is the number one barrier to these goals. Incarcerated people cannot properly achieve any of this without proper vocational and education training and a viable income. One of the things we focus on in our programming in the facilities is employment readiness, identifying marketable skills to showcase on resumes that can be used when people reintegrate back into communities. Incarcerated individuals hold actual jobs that sometimes require certifications. For example, barbers. They work in the kitchens providing services. They work in the shops manufacturing goods that are sold for profit. The fiscal note listed what the current wages are. Restitution doesn't go away, child support plus interest continues to accrue. Commissary and phone call costs add up over time, and many families can't provide this opportunity to be paid-- or provide for their loved ones who are incarcerated to cover those costs. These are some of the reasons why providing this opportunity to be paid a dignified wage while incarcerated should be seriously taken into consideration. And for these reasons, RISE supports LB1021 and asks the committee members to vote this bill to General File.

DeBOER: All right. Thank you. Are there questions for this testifier? I don't see any. Thank you for--

JASMINE HARRIS: Thank you.

DeBOER: --being here. Our next proponent. Next proponent. Is there anyone else who would like to testify in favor of this bill? If not, we'll go to opponents. Anyone who would like to testify in opposition to this bill? Is there anyone here in the neutral capacity? I don't

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see any. I will tell you for the record that there were 10 bills-- 10 letters-- it's a long day-- 10 letters: 6 in support, 4 in opposition. And that will end our hearing on LB1021 and begin our hearing on LB883 with Senator Brewer. Welcome, Senator Brewer.

BREWER: Thank you, Vice Chair DeBoer and members of the Judiciary Committee. My name is Tom Brewer. That's spelled T-o-m B-r-e-w-e-r, representing the 43rd Legislative District, and I'm here today to introduce LB883, which would eliminate the handgun purchase certificate program in Nebraska. This bill was brought to me by the Nebraska State Patrol. For more than 30 years, Nebraska has been an outlier. The process our laws require for purchasing handguns is different than any other state in the nation. Instead of relying on the federal National Instant Criminal Background Check System, we'll call it NICS, at the point of sale, we require a handgun purchase certificate issued by local law enforcement. So let's talk about this process and how it works. The permit process is, is fairly simple. The person files an application with the sheriff's office and pays a \$5 fee. The sheriff is required to determine if the person is a prohibited person under federal law for having a firearm. The sheriff issues the-- well, he uses the FBI NICS database to assure that the individual is allowed to be in possession of a firearm. If the NICS check is approved, the sheriff is required to then issue the permit. Now, I don't have a permit here, but if I did, it would look like this. It is a piece of paper, does not have a picture, doesn't have a fingerprint, does-- is not laminated. It is simply your name and the county and address that you live in, as opposed to the concealed carry permit issued by the Nebraska State Patrol. So in and of itself, it is flawed in the sense that it is simply a piece of paper which could be forged. Where the other part of the program that we, we have issues with is the actual cost to produce the permit is more than the \$5. So it is a burden on the county. And that's just simply the staff time, the printing, the postage and all that comes with it. More importantly, this is a Nebraska issue that makes us less safe than other states. The bill proposes moving us to a process that is used by the other states. So let's talk about that. Right now, we have people applying for this permit. Again, this piece of paper. And they use that as their background check. This permit is good for 3 years. OK? So you get it, 3 years later you renew it. The problem is, we do not have a process like the Nebraska State Patrol does with the concealed carry permit, where they can claw it back. So you could get the permit within days, weeks, months, whatever, commit an offense that would cause you to be a prohibited person. And for the remainder of those 3

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years, you can continue to buy guns. So what we're trying to do is fix the system so that you're required to do an instant background check every time you buy a gun, so that you can't get into this void, this no man's land where you could be a person that's prohibited and still be able to buy guns. So I'm going to be followed by folks that will get into much more detail on the process that's used by the Nebraska State Patrol. But the concern is recent convictions, mental health issues that are able to be checked, and then we're going to talk about how we're going to have one part of this bill that we need to keep as is, and it's, it's already in the legislation as written, or if there's a protection order. Any of those things that would pop up during this 3-year period that you have this permit, they're not going to be able to claw that back. The county does not keep track of these so that you could have that clawback capability. Now, the concern comes in that you're going to have-- you're going to have folks that are going to need to have the ability to interface with DHHS. So that's the part of the-- of the current law in Nebraska that we're wanting to leave the same. And that's just simply where the communications between the Nebraska State Patrol and DHHS would stay the same. So now when you go in to purchase, you would be required to go through the standard background check and get that phone call approved from the FBI, and then be able to buy your purchase permit or your, your purchase without using the old permit program. So with that, I'll take questions. I'll stick around for close. But I guess what I want to stress to you is, right now, say you buy a, a gun or two a year over that 3-year period, 6 or 7 guns, whatever, you're going to go through one background check. And if you are in that, that no man's land where you committed some type of an offense and they couldn't-- they wouldn't be able to know that, you could simply go into wherever and buy those guns and not have any check on it. Without that, that you're going to have to go to that instant background check every time. So that's, that's the idea behind the bill that, that you would have more background checks, a lot more background checks, because now there's no way to purchase a gun without doing that background check at the, the store or the dealership. So anyway, I am open for any questions you have.

DeBOER: OK. Senator DeKay.

DeKAY: Thank you. Thank you, Senator Brewer. How does that work then if you're-- with the background check and the timeline involved in it, say, if you're purchasing a gun at a gun show?

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BREWER: Well, the federal system is, is pretty clear. If you're not able to get approval-- if you're not able to do it, then you're not able to take possession of that gun. So-- and there's really no way around that and I don't think we want to have any way around that because that's your piece of mind that that individual should be in possession of the gun. Now, sometimes that's not convenient but, you know, they are-- they are dealers there and they understand there's a process and, and you, you just have to follow the process.

DeKAY: So you, you take, like, a, a weekend gun show, say, on a Sunday, if you couldn't get that background check, the dealer could hold that gun for you.

BREWER: Right. And, and normally if you're-- if you have a few hours, what happens is the FBI gets backed up, you know, because that-- sometimes it's kind of the rush period when people are shopping. But what they're going to give back to that dealer is that authorization or the, the, the check being complete, they have to have that or else they-- they're subject to losing their FFL, the federal firearms license.

DeKAY: All right. Thank you.

DeBOER: Senator Bosn.

BOSN: Thank you. Thank you, Senator Brewer. So if I'm understanding this, would these still go through NCIS for background checks then?

BREWER: Yes.

BOSN: So if you're a firearms dealer and a customer comes in and wants to purchase a firearm from you, are you calling HHS or law enforcement?

BREWER: No, I think-- and, and there'll be a representative from State Patrol here that can probably be more specific on that. I think the, the HHS part of that assures them that if there is a, a--

BOSN: Mental health commitment.

BREWER: Yeah, a, a protection order or mental health issue, that that connection is made so that, you know, it isn't just the criminal piece, but the whole package is looked at whether or not they should be in possession of, of the gun or not.

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BOSN: So is it your position that this actually tightens the safety for those who are in the general public who maybe don't have a firearm but want to know who does have a firearm?

BREWER: Well, yeah-- I mean, I think it's, it's peace of mind in the sense that now, you know, everyone's going to have to do the background check. And that alone, I think, probably gives some peace of mind. It, it doesn't restrict your ability to do it if you're not a prohibited person. But-- and, you know, you-- when the State Patrol comes up, you can probably get into more detail as far as, as how they possess the ability to do the clawback, say, on the concealed carry permit. If you have that and you commit a crime that then puts you in the category where you're a private person, they, they will come and have a conversation with you and you'll have--

BOSN: One less carnage or bullet.

BREWER: --one less permit, yeah.

BOSN: So essentially what this does is it catches the loophole of individuals who apply on January 1, have a protection order filed January 3 and get a conviction on that protection order January 5, but can still buy a firearm for 5 years-- or 3 years after that.

BREWER: 3 years.

BOSN: OK.

BREWER: Yes. And that-- and, and we're unique in Nebraska in that we, we, we passed this law 30 years ago that made this unique pocket that would allow this. And that was what that, that paper permit was that the sheriffs issue. So we're just trying to clean that up so it's safer for everyone that's involved so that you don't have people fall through the cracks.

BOSN: Thank you. I appreciate that.

DeBOER: Thank you, Senator Bosn. Are there other questions? Senator Brewer, I would ask you a couple. So does this change the number of people in any way that have to have background checks in order to buy guns?

BREWER: I think it'd probably change it fairly drastically, because literally if you had the--

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DeBOER: 3 year.

BREWER: --paper permit,--

DeBOER: Yeah.

BREWER: --you could buy guns, you know, however-- whatever financially you, you could afford for the duration of those 5 [SIC] years and you would not have a background check. Where here, if you buy 10, 15, 50, you're gonna have 50 background checks as opposed to one.

DeBOER: So is there any distinction either between the, the old card method or between what you're proposing here for long guns and handguns?

BREWER: Well, the long guns-- shotguns and long guns are treated different than handguns as far-- because this-- keep in mind, this permit is, is a handgun purchase permit. You still have-- the rules have stayed the same for your long guns. They, they haven't changed. This permit was just for handguns.

DeBOER: So the little card-- the paper card was for handguns.

BREWER: Correct.

DeBOER: What you're dealing with, still just handguns.

BREWER: Yeah. Well, you're still gonna have to do the complete background check. Before you would have had to done it for long guns anyway. This, you're going to have to do it for the handguns and the long guns.

DeBOER: At each individual occasion?

BREWER: Right. Each time you do it.

DeBOER: OK. And what about-- how do online sales factor in here?

BREWER: That's a good question. So let's say it's Cabela's.

DeBOER: Sure.

BREWER: You can online order whatever it is that you are wanting to buy, but you have to physically go there. You have to fill out the paperwork. You have to present your credentials, your ID. So you can order it, but you still have to physically be there to sign paperwork

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and, and do all of the things that are required in order to do the transfer.

DeBOER: Is there any-- never having been in the market for a gun on Amazon Marketplace, I don't know if that's the kind of thing that, that you can even sell that way. So, like, can a person or a small business sell guns online?

BREWER: Only if you want to be visited by the ATF.

DeBOER: OK. That's--

BREWER: Yeah. Now,--

DeBOER: Maybe they're nice people.

BREWER: --you, you could-- you could sell your, your brother a, a shotgun, whatever. You're still going to need to do a, a bill of sale. So you're showing proof that you are transferring that weapon to someone else, and then the responsibility is on you to make sure that individual is someone who's not prohibited. So you could, within your family, do something like that but you still have requirements to make sure that that individual can be in possession.

DeBOER: So person to person, I can sell-- I could sell Senator Ibach my AR-15 or something tomorrow and I would have to--

BREWER: If, if you-- if you followed the rules and you did your bill of sale and you made sure that they weren't a, a prohibited person.

DeBOER: So how would I, as an individual seller-- right, if I'm just a regular person, how do I have access to determining whether or not she is a prohibited person? Because I don't-- I don't know, she looks--

BREWER: Well, therein, you're, you're going to have to have someone within the law enforcement community that you can communicate the pertinent information to them in order to be assured that that person isn't someone who's--

DeBOER: So the average person-- since you don't have the little card anymore, the average person has to call law enforcement?

BREWER: Well, you would-- you would have to find someone-- usually going to be in your sheriff's office, which, you know, you can do that because you do that, say, if you're doing a background check on

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someone for a job, you want to make sure that they're not wanted on a warrant, that there's not a protection order. So, you know, that, that would be essential, I think, if you're being reasonable on all in wanting to transfer possession of a-- of a firearm to someone else.

DeBOER: I mean, obviously, there are going to be people who do this against the law because we know that happens.

BREWER: Yeah. Well--

DeBOER: So if we're trying-- I mean, like, sometimes we see them later when they're rehabilitated come into this committee.

BREWER: Well, just remember that, that the ATF watches that very, very close. And there's not a lot of flexibility. And when you commit federal crimes, you get federal time. And so anything that has to do with weapons, you have to be very, very careful with because--

DeBOER: So let me ask you this also, you, you mentioned that the, the process for getting the card was something that they did a background check on the FBI's NICS.

BREWER: Correct.

DeBOER: So it sounds like they were using the same process that--

BREWER: Right. But they're doing a one time to get you the permit.

DeBOER: OK. So my question was, is there anything that, that our former state process for the little yellow card does differently in terms of what it checks for, what it-- what it-- you know, what I mean, like, is there any difference between the background check that would be done under the old system and what you're proposing?

BREWER: I don't think there would be anything different as far as the process to get that approved background check. It's just now you're doing it every time,--

DeBOER: Yeah.

BREWER: --everywhere.

DeBOER: I get that. I just didn't know if they maybe looked for--

BREWER: No. But keep in mind that, that the State Patrol process is much more complex with the concealed carry permit program,

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fingerprints, photos, you know, training, all these things are requirements there. So sometimes people get confused between the concealed carry permit program and the pistol permit, which are, are really two completely different beasts. You know, one is a very simple process that, that helps you to expedite to being able to purchase a weapon. The other one says that you've met all these requirements to be able to do that.

DeBOER: Yeah, although, maybe we have fewer of those now. I don't know. But, OK. So that kind of answers my question. It's the same process.

BREWER: Right.

DeBOER: It's just how often and the frequency of it is what you're doing. OK. Senator DeKay.

DeKAY: Thank you. So would the process work in every instance and the example I will have is you go to a Pheasants Forever banquet, get in a raffle, win a gun, before you can take possession of that gun, you-- and you don't have the State Patrol, you need to go through that process before you can--

BREWER: Correct. And, and I'm, I'm sure that if, if you go to a Pheasants Forever, we'll use that example, and you go in that, there is a FFL that's associated with that, that weapon. And once you're picked as the winner, you will still fill out the ATF forms, present your credentials. They will still have to make sure that you're not prohibited and then you'll get possession of it. So that process is pretty standard.

DeKAY: Yep. All right. Thank you.

DeBOER: Any other questions?

BREWER: OK.

DeBOER: All right. We'll have our first proponent testifier. Welcome.

KELSEY REMMERS: Thank you. Committee Chair Wayne and members of the Judiciary Committee, my name is Kelsey Remmers, K-e-l-s-e-y R-e-m-m-e-r-s, and I am the NICS program manager with the Criminal Identification Division of the Nebraska State Patrol. I am here today on behalf of the Nebraska State Patrol to testify in support of LB883. Excuse me. The National Instant Criminal Background Check System, or

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NICS, was established as a result of the Brady Act, which required the creation of a national name check system for firearm background check purposes. After the passing of the Brady Act, the FBI provided options to each state to determine how they wanted to handle their state's firearm background checks. Nebraska became a partial point of contact state, meaning the state conducts our handgun checks while the FBI conducts our state's long gun checks. Nebraska further opted to utilize ATF qualified alternate permits for our state's handgun checks, which may act in lieu of a NICS background check at the time of a handgun purchase. As of 2023, Nebraska is the only state in the nation that continues to operate in this manner, as is illustrated in the FBI's NICS participation map attached to my testimony. This bill would eliminate the handgun purchase certificate and make Nebraska a nonpoint of contact state, which sends firearm background checks to the FBI. This would increase the amount of background checks occurring at the time of purchase, which is important because firearm prohibiting information continues to be updated and/or entered into federal databases daily. Therefore, confirming eligibility regularly utilizing a NICS background check is in the best interest of public safety and is paramount in the effort to ensure firearms stay out of the hands of prohibited individuals. We would work closely with the FBI to facilitate Nebraska's transition to a non-- a nonpoint of contact state. It is important to note Nebraska's concealed handgun permit would retain its status as an ATF qualified alternate permit and may continue to act in lieu of a NICS background check at the time of a handgun purchase. Contrary to handgun purchase certificates, concealed handgun permits are fingerprint based, centralized, and better funded. Additionally, there is a single database tracking concealed handgun permits as well as an enhanced revocation process, greater subject matter expertise regarding firearm prohibitions, and counterfeit measures, which makes them a safer, alternate permit from a public safety standpoint. In closing, the Nebraska State Patrol supports the elimination of provisions relating to handgun purchase requirements because we believe this is necessary in order to enhance public safety. We appreciate the opportunity to testify before you today and will be happy to answer any questions.

DeBOER: Any questions from the committee? Senator Bosn.

BOSN: Could I get a copy of your handout?

IBACH: I think she went to make some.

KELSEY REMMERS: Oh, sure.

ANGENITA PIERRE-LOUIS: She went to go make a copy.

BOSN: OK. Well, she has copies so can I just have one of them?

KELSEY REMMERS: Yeah.

BOSN: Thanks.

DeBOER: Other questions? So-- OK. So take me through this. If, if you extolled the virtues of the concealed carry permit, but we'd no longer require that to concealed carry in Nebraska.

KELSEY REMMERS: Correct.

DeBOER: So some people might elect to do that, but based on the testimony about how expensive it was and difficult and, etcetera, certainly not everyone's going to opt that direction.

KELSEY REMMERS: Um-hum.

DeBOER: OK. So if they don't have-- so if they have that, that sounds great. Like, it's their picture, as I understand it, fingerprints. That seems pretty-- however, I will ask this question, does that get around the problem that, that Senator Brewer was talking about where they get their concealed carry permit and then the next day they go out and become a prohibited person by committing whatever they do?

KELSEY REMMERS: We have enhanced procedures to help us catch those things.

DeBOER: OK. So with the concealed carry card, you'll be able to track whether or not the person has done something that then they need to get their concealed carry revoked.

KELSEY REMMERS: Yes.

DeBOER: Is that right?

KELSEY REMMERS: Yes.

DeBOER: OK. That's good to know. OK, so now we're not talking about people who have concealed carry permits, we're talking about the, the rest of the people in the world. Does this process change that in some instances and some places people will not be getting background checks? Like, is there some instance that now in the past they showed

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the card so that's kind of a background check sort of thing and now there's some instances where there will be no background check?

KELSEY REMMERS: There could be an argument made. The conversation always comes up about private sales. You know, before you could ask for a handgun purchase certificate. So what would happen now, you know, would these people go without a NICS background check altogether? And I would argue that there are much better ways to solve that issue and that is by facilitating these background checks through an FFL. And in the packet I provided to you, there's a guide that was created by the ATF that talks about this process. So that's what I would say is a much safer and more timely background check than the handgun purchase certificate, because that background check is only as good as the day it was run. A 1- or 2-year-old background check is not a sufficient background check for this purpose.

DeBOER: So what is an FFL just briefly because I, obviously, haven't had time to read this yet.

KELSEY REMMERS: A federal firearms licensee.

DeBOER: And what is that program and how does it differ from what we've had here in the past?

KELSEY REMMERS: They are licensed by the ATF to sell firearms.

DeBOER: OK. So this would be your seller side.

KELSEY REMMERS: Yes. Yep.

DeBOER: Got it. And if I just want to sell Senator Ibach a gun, my long gun that I have-- well, we'll say handgun, because that's what we're dealing with here. I want to sell her a handgun. How do I-- how do I access some way to check out--

KELSEY REMMERS: That's the facilitating that transfer through an FFL because the FFL has access to the-- run that NICS background check.

DeBOER: So we, we go to a gun shop and we say, hey, I would like to sell her that and the gun shop will facilitate that?

KELSEY REMMERS: Um-hum.

DeBOER: OK. And do they have someone who does that at gun shows and these sorts of places?

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KELSEY REMMERS: All the FFLs have access to this NICS system as long as you're passing all the ATF criteria so they can run that check. There's, there's-- they call it a NICS e-check, and it's an, an electronic way to run this check or you can physically call the call center to run this check as well.

DeBOER: What do they check for, just to make sure that you're not a federal prohibited person or a state prohibited person?

KELSEY REMMERS: Yeah, they run what they call a NICS check. This queries three main federal databases. One of those is the triple I or the Interstate Identification Index. This contains fingerprint-based arrest records on individuals. The second database is NCIC or the National Crime Information Center. This is a database that houses information such as protection orders, warrants, sex offender registry information, things of that nature. And then the third database is the NICS Indices database. This is a specific database that was created when the Brady Act passed that contains individuals who are prohibited from the purchase or possession of firearms.

DeBOER: OK.

KELSEY REMMERS: So that's the main check that is run for every firearm purchase.

DeBOER: So just-- I'll note as a placeholder for myself and maybe the committee that we did hear another bill by Senator Ibach that would put us in a compact on holding our background checks, something. So there might be something that-- I don't know if that will work the same way. Will that--

KELSEY REMMERS: Yeah, those, those are-- that's for compact for noncriminal justice agencies who access criminal justice information.

DeBOER: So that won't affect this in any way.

KELSEY REMMERS: No.

DeBOER: OK, good. Just thought I'd ask that while we were thinking about it. OK. All right. Any other questions that that generated? I don't see any, thank you so much for being here.

KELSEY REMMERS: Thank you for your time.

DeBOER: I'll have our next proponent. A familiar face. Welcome.

DICK CLARK: Good afternoon, Vice Chair DeBoer, members of the Judiciary Committee. My name is Dick Clark, D-i-c-k C-l-a-r-k, here testifying as a proponent on LB883. You may recognize me from down the hall in the Government Committee office, but I am testifying in my individual capacity here today. In my private law practice, I focus on firearms law and I often help people with all sorts of issues, including the restoration of rights to keep them from continuing-- you have to be a prohibited person under federal law and that could be a pardon. It could be a mental health board review. There's some different avenues there, but I've also worked in firearm sales in a gun store, including at gun shows. I've worked over 100 gun shows and I can tell you how the background check process works there. And I also-- I'm an instructor and have been teaching firearm safety since I was a teenager as a youth staffer at Boy Scouts camp. So those are my credentials. I did want to just make clear that the current system for federal firearms licensees is something that applies to every sale that they make no matter where they are located. And, in fact, on the federal Form 4473, if they're at a location other than their designated business premises, they actually have to record the location where that transaction occurred on the back of the form that they're required to keep for a term of years or until they go out of business and that's all federally mandated. There is a picture ID required for every transaction that's conducted with an FFL dealer and this is apart from the background check requirement. You have to affirmatively show some picture ID issued by a government entity to prove your identity. And that ID information is also recorded on that Form 4473 that I just described. I will tell you, though, in particular to this bill, the quality level of the county permit programs varies widely. I have worked with a number of dealers and manufacturers who are very concerned about this state mandate for a county permit program because, candidly, not all of the counties take it as seriously as the others. I am aware of situations where an 18-year-old received a, a handgun purchase certificate, when it's clearly prohibited under statute for anybody under 21. I'm aware of a circumstance where a dealer just didn't feel right about the way somebody was acting. They went ahead and conducted the NICS check, even though it wasn't required, and the person turned out to be a prohibited person. And so I can tell you that there are a number of dealers who are very concerned that the state law essentially directs them to engage in risky behavior that could result in conveying a firearm to a prohibited person. I see my time is short and I won't go on too much further, but I'd be happy to answer any questions that you think I might be able to help with.

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DeBOER: Are there questions from the committee?

DICK CLARK: Thank you.

DeBOER: Well, I was going to ask one. Sorry.

IBACH: Don't run off.

DICK CLARK: Well, I don't mean to run so fast.

DeBOER: So here's the question I had. So I was-- you heard the discussion-- you've been in here, right?

DICK CLARK: A little bit.

DeBOER: OK. So you heard my discussion with the, the state trooper. So, first of all, how do I know if I own a gun that the way I sell it is to go to a gun store and have them do the background check for my private sale to Senator-- sale to Senator Ibach?

DICK CLARK: So that is a process that you could use. I will tell you that, often, people who are engaged in a private sale just rely on one of these other so-called good guy credentials is the sort of informal way we refer to these. Currently, there are two of those in the state of Nebraska. There is the county-issued permit, and then there is the state-issued concealed handgun permit. I'll just tell you from my own personal experience, as somebody who engages in transactions in this market in a private capacity now, there are a good number of people who just won't sell you a firearm unless they can see some proof where they can feel good that you're not a prohibited person, because there are severe penalties for selling a firearm to a prohibited person. I mean, it's a felony crime on both sides of that transaction if you were to complete that sale. Now I would tell you, when I worked for a federal firearms licensed gun dealer, we would conduct transfers, which is what we're talking about here, for a fee. And it was back then, it's been a number of years-- I won't tell you how long because it would make me sound really old-- but we charged \$25 as a transfer fee for that firearm to cross our books. So every dealer has to maintain what are called acquisition and disposition records on every single firearm that they come into possession to in the course of their business. If they fail to keep those records and the ATF comes in and does a spot check, which they can do up to once a year without any, you know, belief that there's wrongdoing, just sort of that-- that's the regular maintenance cycle, you can lose your federal firearms license for as few as 2 or 3 errors in your acquisition and

disposition records. If they find a firearm on the premises that is not logged in to your A&D books, that's a really big deal. Because in the past, dealers have been prosecuted for engaging in so-called personal transactions, kind of on the side, even though really they're a gun dealer. And so that's something that the ATF is very hawkish about and, and that's what these in-person audits really seek to, to discover if there's something like that going on. But what would happen in that case, both parties would go to the gun store, probably after calling ahead to make sure that they do transfers for a fee. The gun would be logged in onto the dealer's books from the seller. So now it is in the dealer's possession, and then the dealer would have to have the buyer fill out that same form that would be filled out by any retail customer, the ATF Form 4473, and if this bill were to pass, then there would be an instant background check conducted. Now, currently they could, in the alternative, provide what we would call a Brady ID, which currently is either this county purchase permit or a Nebraska concealed handgun permit, which is proof of a background check that the U.S. Department of Justice has essentially blessed off on.

DeBOER: So will this kind of-- in some ways, it sounds like incentivize getting a hand-- a concealed carry permit even though we don't require them anymore because it would sort of lessen your need to--

DICK CLARK: I believe that's right, Senator. And if you recall the floor debate on LB77 last year, I think Senator Brewer rattled off two reasons why, why someone might continue to renew or even newly apply for a concealed handgun permit. One is to facilitate firearms transactions, and then the second would be for interstate travel to have reciprocity to those other states. So if this bill were to pass, the Nebraska concealed handgun permit essentially isn't touched, so that would still retain its status as a Brady ID, but it's a more robust credential. There, there are other protections to be able to rescind it if it's been given to somebody who's now gotten on the naughty list in the interim, right, protection order, mental health commitment, conviction for misdemeanor crime and domestic violence, or even being under indictment for a felony, actually, during the pendency of that case. Once you're under indictment, you're a prohibited person. And all of those are things that the State Patrol can quickly become aware of, whereas there's really no way for the sheriffs to go back and, and clawback a permit that's been previously issued, so.

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DeBOER: OK.

DICK CLARK: Yeah.

DeBOER: Any other questions? I don't see any.

DICK CLARK: Thank you.

DeBOER: Next proponent.

JOHN ROSS: Vice Chair DeBoer and fellow senators of the committee, my name is John Ross, J-o-h-n R-o-s-s. I live in Cuming County and our sheriff, for one thing, says the \$5 really doesn't cover his costs. So I've had this gun buying permit, but I live close to Sioux City, Iowa. And many times if I go to Sioux City, Iowa, that permit, they wouldn't even look at it. They ran a background check every time I bought a firearm. Didn't matter whether it was a handgun-- excuse me, handgun or long gun. So I feel that by going back to this, that every gun is purchased by anybody in the state, Nebraska, right at the instant that they buy-- are buying it, there is going to be a background check ran, which like we know when you get the 3-year permit, it's good for 3 years. But Iowa didn't care about that 3-year permit. They checked every time I bought a gun. So I, I really think we're going to have a lot more people checked every time they purchase a firearm handgun or long gun. Thank you for your time.

DeBOER: Are there any questions? I don't see any. Thank you for being here.

JOHN ROSS: All right.

DeBOER: Next proponent. Welcome.

RANDY BENDORF: Hi. Lots of a good questions. I don't know if I might be able to add a lot. Randy Bendorf, B-e-n-d-o-r-f, testifying for myself. I do also volunteer for the NRA Institute for Legislative Action, but I just thought I'd show this, this is the permit. It's nothing special. If I lose it, that's probably not a good thing. When you get it, they do the NICS check and that's it. I am going to go renew my concealed carry permit so I can travel, do that March 9. When I went to get that permit at the sheriff's office, I live in Sarpy County, so we're kind of like a different place, but I had to go three different times. They gave me a sheet. I had to go get it notarized and bring it back, since COVID they don't let you in the building anymore. So I made three trips. Thank God one of the sheriffs was

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coming out and he took it in for me because the person that takes the paper wasn't available. So three trips that took me 3 or 4 months to get it. It took me a long time to get it back so had to get that mess out of the way. And the last thing I'll add is, I-- since I worked in the-- and I've mentioned this before in other committees as well, a [INAUDIBLE] VIP guard, like a [INAUDIBLE] bodyguard, I guess. I worked in that industry, I had an extended family member call me and another person, they-- their husbands started making bombs. Long story short, they were involved in gangs and became a really bad guy and were beating her up and hurting her pretty bad. So we had to drive up to Kearney and guard her while she went to the courthouse because he was coming after her and the sheriff couldn't be everywhere all the time so we were always within a specified amount of feet from her. So we guarded her but not everybody has that luxury to have somebody do that. And even with the help of the sheriff, it took her a couple months to go-- to go get herself a pink, pink lock. And, and, of course, she wanted extra training because we hammered on the training. So this is-- was really a, a long, drawn out process that it'd be nice to avoid. And then just the simple safety of every time somebody buys a gun, they get a background check. I mean, I would think that advocates against gun violence and everything would want somebody to have more checks every single time. Because this is good for 3 years, I can use it with no checks. So not really much else to add, I think anybody else covered it. So thank you. Any questions?

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

RANDY BENDORF: Thanks, Senator Wayne.

WAYNE: Next proponent. Any other proponent? Seeing none, moving to opponents. First opponent. Welcome.

JENNIFER HODGE: Hi, guys. Sorry, I'm not used to reading from my phone so bear with me.

WAYNE: It's all right.

JENNIFER HODGE: Good afternoon, Chairman Wayne, Judiciary Committee members and staff. Thank you for acknowledging my testimony today. My name is Jennifer Hodge. I have been in Nebraska resident for 4 years, and I am a volunteer with Moms Demand Action. I'm testifying today because LB883 is a dangerous bill that poses a direct threat to Nebraska public safety laws that protect our communities by keeping

guns out of the people who will agree we shouldn't have them. My family owns a handgun, and when my husband purchased it in 2020, I appreciated the diligence of the background check. It is an important step to making sure that law-abiding citizens have access to weapons and keeping them out of the hands of dangerous people. When Missouri repealed identical purchase permit law requiring background checks on private sales of handguns, the state experienced an up to 27% increase in its firearm homicide rate and a 16% increase in firearm suicide. This bill would make Nebraska less safe. Federal law requires background checks on all firearm sales from licensed dealers. However, there is a dangerous loophole in federal law which does not require background checks on firearm sales sold by licensed-- by unlicensed dealers. Nebraska law has addressed this dangerous loophole by requiring a person undergo a background check and obtain either a concealed handgun permit or a handgun certificate before purchasing a handgun in a private sale. This law helps ensure people with dangerous histories cannot purchase a handgun. This bill would undo that protection, making it easy for dangerous people like those with felony convictions or convictions for domestic violence offenses to evade a background check and purchase a handgun in a private sale. Last year, when our Legislature passed the controversial LB77, which allows people to carry hidden, loaded handguns in public, our permit to purchase law was cited as a backstop against potential harms of permitless carry. Legislators argued that they were only comfortable voting for LB77 because at least people who purchased handguns in the state would have undergone a background check. If LB883 advances, the critical safeguard would be removed. I encourage the committee members to vote no on LB883. And I just wanted to point out that I am in favor of background checks, but I'm in favor of background checks on all purchases: private, gun shows, and at licensed gun dealers. However, if we remove this requirement, it would take away an important background check when we are transferring firearms from person to person or in sales on the Internet or at some gun show purchases. That concludes my testimony. Thank you for giving me the opportunity to testify.

WAYNE: Thank you. Any questions from the committee? Senator DeBoer.

DeBOER: Thank you. So you heard the-- you were here, right?

JENNIFER HODGE: I was. Yes.

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DeBOER: You heard the testimony. So they, they-- I was told that, that to buy online, you have to go and actually present yourself to fill out the forms. Is that what you're telling me isn't true?

JENNIFER HODGE: Only if it's a federally licensed firearm dealer.

DeBOER: OK.

JENNIFER HODGE: If I'm buying a gun-- Facebook does not-- they don't technically allow the sale of handguns. But the problem is, if I was to go to Craigslist, who may or may not recognize that a handgun is being sold through their website, if I'm just selling it to you as a person to person, I'm not a federally licensed handgun-- or a firearm dealer, I can pass that weapon on to you without any background checks at all. They're saying that you can go-- and you can go to the sheriff's office or you can go to your police department or you can go to a gun-- a gun shop and get that background check, but that is not required.

DeBOER: So what about the problem of these little sheets of paper which do seem to leave something to be desired?

JENNIFER HODGE: The--

DeBOER: The little permit that you're talking about.

JENNIFER HODGE: Brady permit.

DeBOER: The-- well, the, the little-- the, the one they're trying to get rid of here.

JENNIFER HODGE: Oh, OK.

DeBOER: OK. Yeah, that one. So first of all, they seem to be able to be gotten and then 3 years transpires all sorts of things and they still count. That does seem to be a problem for me.

JENNIFER HODGE: I would agree. This back-- this background check bill that is current-- or legislation that's currently in place is not sufficient. If they actually wanted to shore up some loopholes in the background check system, they would make that permit last for a shorter amount of time versus eradicating it completely.

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DeBOER: So your argument would be that if it were for a shorter amount of time, then at least-- but is there any requirement right now under the law that if I sell to Senator Ibach--

JENNIFER HODGE: She's getting a lot of guns today. [LAUGHTER]

DeBOER: I'm selling a lot of guns to her.

JENNIFER HODGE: I'm a little worried now.

DeBOER: So-- well, I'm selling a lot of them, so. [LAUGHTER] So if I sell to Senator Ibach under current law, what happens if I don't check for her little--

JENNIFER HODGE: Nothing.

DeBOER: --piece of paper?

JENNIFER HODGE: Oh, I'm sorry. Now, currently. Yes.

DeBOER: Under current law.

JENNIFER HODGE: Currently, yes, it would be illegal. There would have to be some way for somebody to determine that you did an illegal transaction, but it is illegal. So if you were caught, you would be prosecuted.

DeBOER: And is that a felony or a misdemeanor or do you know?

JENNIFER HODGE: That I don't know.

DeBOER: OK. And then if I-- under this law, you're saying that I could sell her without looking at the flimsy piece of paper and--

JENNIFER HODGE: Yes.

DeBOER: --so I could just sell--

JENNIFER HODGE: There would-- there would not be a flimsy piece of paper.

DeBOER: OK. I think I understand your argument. Thank you.

JENNIFER HODGE: Thank you.

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WAYNE: Any, any other questions? Seeing none, thank you for being here.

JENNIFER HODGE: Thank you, guys.

WAYNE: Thank you for all you do. Next opponent. Opponent. Opponent.

SHARON O'NEAL: Good afternoon, Senators. My name is Sharon O'Neal, S-h-a-r-o-n O-'-N-e-a-l. I'm a longtime resident of Lincoln. I'm also a volunteer with Moms Demand Action. Today, I ask that you oppose LB883, which removes another pillar of our gun safety laws. It seems like only yesterday that the Legislature voted to allow permitless concealed carry rules, and assured us there were plenty of background check requirements in place as safety buffers. But now here we are again, eliminating some of the very background checks that our lawmakers said would provide a safety buffer. I moved to Nebraska over 30 years ago and then stayed because it really has been the good life for me and my family. It's a safe place to live and raise a family. My son and my grandchildren still live here for the very same reason, but I fear the safety we've had is being eroded by LB883, which will create a loophole in our gun laws and allow those who shouldn't have guns to get access to them. Did you know that in 2024, Nebraska dropped from 22nd place to 24th place nationally because of the lack of strength in our gun safety laws? Now, with this removal of the background check laws, our safety rating will drop again. I wonder, Senators, are we in a race to the bottom? People in our state and those looking to move here will look at these rankings and worry about their safety. 93% of American voters support requiring background checks on all gun sales. That includes 89% of Republicans and 89% of gun owners. So why are we even considering this change when most of us want to keep these laws in place? If the concern about this law is that it's an unfunded mandate, then the Legislature should fund it, not cancel the law, especially at a time when gun homicides and suicides continue to rise. And it's in the news every single day. I urge you not to reduce our gun safety laws. Instead, require that Nebraska continue to be the safe, good life for our children and our grandchildren. Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent. Seeing none, anybody testifying in the neutral capacity? Neutral capacity? Welcome.

WILLIAM RINN: Good afternoon, Chairman Wayne. Thank you, members of the committee. I'm Chief Deputy William Rinn, W-i-l-l-i-a-m R-i-n-n,

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chief deputy administration for the Douglas County Sheriff's Office. We are here testifying in a neutral capacity for this bill. Predominantly, we are in a neutral capacity because we understand the Second, Second Amendment rights and are firmly in favor of those. But we would like to just make sure that all the information is out there and that we are educating properly that we are kind of fortunate in the larger communities such as Douglas County, Lancaster, and Sarpy, that we have a great number of resources available to us during this permitting process. We will, wholeheartedly, agree that the permitting process is in, in need of revision. Three years is entirely too long for the permitting process. And we had a number of ideas that we were going to bring forth with regard to working on the permitting process, however, we were not able to collaborate to get that done before this bill was presented. We do about 6,000 gun permits annually at the sheriff's office. We have two dedicated staff people that are specifically trained to do not only federal prohibitors, but also Nebraska prohibitors, and there are different ones. Don't ask me to cite all of them, because I don't know. There's a book about that thick that, that tells you what they are. About 10% of those are denied for prior felony convictions, behavioral health issues, or other-- otherwise. And a, a great number of our denials come from our trained staff who are able to vet through our person-- not only the national records, but our personal records, and individual intelligence, things that we have on these people. Case in point, we had a young lady who's had an extensive history with mental health, suicide attempts, behavioral health issues, sicknesses, who came in and we had no reason to, to deny her other than at the last minute we located a misdemeanor warrant for her, otherwise she would have gotten a gun permit. We, we feel we just want to-- the NICS process is not perfect. We have run across cases where older felonies in the '80s and '70s, which we were able to identify through our personal research. We're not in NICS. So it's not a perfect process. It is a very good process and, and a-- and a safe way to do checks on point of sale so we would not dispute any of that data. But we, we just want to educate that there are things that we can and cannot do that smaller counties can't do and we understand the burden that they have and so we would remain neutral on [INAUDIBLE].

WAYNE: Any questions from the committee? Senator DeBoer.

DeBOER: Sorry.

WAYNE: Don't need to be sorry.

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DeBOER: So--

WAYNE: I've got nowhere to go.

DeBOER: --one of the things that they talked about was that if you sell a gun to someone who is a prohibited person, that that's a-- is that a felony? Do you know?

WILLIAM RINN: If-- it's a misdemeanor to misuse the permitting process for the-- for the person. I'm-- I'd have-- I'm not certain on the person who actually does it, it may also be a misdemeanor.

DeBOER: OK. And do you happen to know if I sell to a prohibited person, do I have to know they're a prohibited person for it to be illegal or do I just have to knowingly sell them?

WILLIAM RINN: Well, certainly there's a knowledge that has to be there. I mean, it's knowing [INAUDIBLE].

DeBOER: Right. So do I have to know that I sold them, right, like I didn't accidentally sell them but knew I sold them, or do I have to know that they're a prohibited person for it to be wrong?

WILLIAM RINN: The second one, you'd have to know they were prohibited.

DeBOER: So if I sell to a prohibited person but I didn't know that because I just didn't want to know that so I just sold to Senator Bosn without checking--

BOSN: [INAUDIBLE] prohibited.

DeBOER: --and she-- and she happens to be a prohibited person but I didn't know that, have I committed a crime?

WILLIAM RINN: Not being an attorney, I would imagine there'd be some, some defense that would be offered that there has to be knowledge.

DeBOER: OK. I just-- I thought maybe you would know. All right. Thank you.

WILLIAM RINN: Sorry.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

WILLIAM RINN: No problem.

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WAYNE: Next neutral testifier. Senator Brewer, as you come up to close, you have 58 letters: 16 in support, 40 in opposition, and 2 in neutral. The 2 couldn't figure out what side they were on. Sorry.

BREWER: All right. I do wish that-- come and sit in this chair. Then we'd have some type of an exam we could give them to ask them if they actually read a bill, because I don't believe some that have spoke here today have read the bill, to fully understand it. The intent of this bill was to make sure people did do a background check. To your question, if you sell a firearm to a wanted felon, a prohibited person, can you be held liable for it? If you sell someone a stolen car, are you responsible for that stolen car you sold? I say yes. And I, I think it's a felony. I'll have to get with Dick Clark to find out for sure or not. But that is a responsibility of that individual. Now, the process that Dick Clark talked about, I think, is probably the most common. You go to an FFL, you pay a fee. And I think \$25 is the common amount that you pay. They process the paperwork, they do the check. And that way, you know that that individual that you've sold it to is allowed to have that weapon. We looked at this for the sole purpose of figuring out how we could change the process, to make sure that we didn't have people fall through the cracks. Now, if you want to sell an individual a gun and it's just Joe selling it to Joe, I don't know how we could write laws that would prevent that from happening. Because right now, it's illegal if you sell something to someone who is a prohibited person. The idea that we had is to, to clean up the system so that we don't have a Nebraska process that we forced upon people, that leaves this void where they can have folks that can go that 3-year period without having to do the background checks. Now, it's a background check every time. And we tried to stress that all through the, the beginning of the discussion on this. That is the goal. So it's one thing to hate the gun. It's another thing to, to not want the process that makes it better to work. And that's what we're trying to do with LB883. Anyway, I'll take your questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

BREWER: Thank you.

WAYNE: Welcome to your Judiciary.

McKINNEY: Thank you, Chair Wayne and members of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y,

and I represent District 11 in the Legislature. Today I'm introducing LB921, which will provide mentorship programs for individuals under supervision of probation and parole officers. In pursuit of a more just and rehabilitative criminal justice system, the role of probation and parole, parole officers cannot be overstated. As we attempt to foster success-- successful reintegration of individuals under probation and parole in the state of Nebraska, it is imperative that we empower these officers as mentors and support figures. By providing them with the necessary resources, training, and support, we can create a system that prioritizes rehabilitation over punishment, thereby reducing recidivism and building a-- and building safer communities. Probation and parole officers serve as crucial mentors for individuals reentering society after incarceration. These officers have the unique opportunity to establish meaningful relationships with their clients, offering guidance, support, and encouragement. By investing in training programs that emphasize effective communication, conflict resolution, and counseling techniques, we can equip probation and parole officers with the skills needed to effectively mentor those under their supervision. Probation and parole officers play a pivotal role in connecting individuals with essential resources and services, from substance abuse treatment to vocational training programs. These officers can help address the underlying issues that contribute to criminal behavior. By collaborating with community organizations, government agencies, and service providers, probation and parole officers can ensure that their clients have access to the support they need to successfully reintegrate into society. Probation and parole officers serve as advocates for their clients within the criminal justice system by advocating for alternatives to incarceration, such as rehabilitative programs, community service. These officers can help individuals avoid the cycle of incarceration and build productive lives. Additionally, by advocating for policy changes that prioritize rehabilitation and support services, parole-- probation, and parole officers can help create a more just and equitable criminal justice system. I believe that empowering probation and parole officers as mentors and support figures is essential to fostering rehabilitation and successful reintegration of individuals under probation and parole in the state of Nebraska. By providing these officers with the resources and training they need, we can create a more effective and humane criminal justice system that prioritizes rehabilitation over punishment. By investing in probation and parole officers, we invest in the future of our communities, building safer and more prosperous neighborhoods for all. And you know, I brought this bill because I was listening-- I think I was listening to a podcast, and it was a

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discussion about the role of parole officers, this discussion, and how for my lifetime, they pretty much served as a supervisor to parolees, and more as a check and balance of like making sure they not doing the right thing-- making sure they do the right thing, making sure they're home on time, going to work, not selling drug tests and things like that. And the conversation got to a point where it was like, why aren't, why aren't we requiring parole officers to be more mentors, helping people reintegrate a lot better, and being a voice to where people on parole can have those tough conversations with their parole officers, and actually seek out help. I've talked to people on parole, and I think one of the hindrance to a lack of success-- more recidivism, really, is that people don't feel comfortable talking to their parole or probation officers about the things that, that are going on in their lives. So somebody might need help, but it's hard for them to go to their parole officer because they're thinking, if I tell my parole officer that my lights are off or I don't got a job or I messed up, that I might end up back in prison. So they don't ask the parole officer or they don't seek out that help. And I'm not saying parole officers should just disregard somebody failing their drug test or anything like that, but I believe they should be somebody or a voice that they could go to to say, hey, I slipped up. I messed up. Can you get me some help? And maybe that parole officer, instead of violating them, could find them services within the community to help them out so we don't have to send them back to prison. And that's why I think we should push for our parole and probation officers to serve more as mentors and less as supervisors. And with that, I'll answer any questions.

WAYNE: Any questions from the committee? Senator Ibach.

IBACH: Thank you. Chair Wayne. Do you think-- I'm trying to just visualize the 2 different roles that, that 2 separate people would, would play if there was already a system in place that did the mentorship? Do you think it's a conflict of interest for parole officers to be both? Or do you think that there are already parole officers in place that serve as both? Or just walk me through how, how the extra training would allow them to do both.

McKINNEY: I don't think it's a, a conflict of interest because I talked to-- at least, our probation-- state probation. And they were like, we already do a lot of the stuff that you're requiring in the bill, as far as trying to get them to be more mentors. I don't think it's a conflict of interest, because I don't think parole officers should be serving as law enforcement. They should be serving as

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somebody that make-- monitors the individual and makes sure they're doing the right thing. But I also think another component to that is making-- being somebody that they could go to and ask for help, and connect them and direct them to different services that they might need, as well. So I don't think it's a conflict, because I think, at the end of the day, I think a parole officer will still hold that individual accountable if they mess up. So, I don't think it is a conflict.

IBACH: And would there be a difference between juvenile and adult parole, as far as training or--

McKINNEY: I think slightly, because I think you would probably have to deal with juvenile probationers a little different than you do adults, just because of the age differences and things like that. But I think at the core of it, you're still serving as a mentor. So I don't-- just the age, the approach might be different, but I don't think it would be too much difference.

IBACH: OK. Thank you. Thank you. Chair.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

McKINNEY: Yeah.

WAYNE: Welcome.

JASMINE HARRIS: Good evening, Chair Wayne and members of the Judiciary Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy for RISE, and we are in support of LB921. Everyone's journey through the criminal legal system is unique to them. From contact with law enforcement to returning home after incarceration, it doesn't look the same. It's only befitting that parole and probation officers have the ability to have individualized plans that work specifically for each person. What we hear is that many folks go into these careers to help individuals. Allowing for the ability to set individualized goals, using a strengths-based approach to case management versus a punitive and compliance approach, and offering mentorship will have better outcomes. Mentorship is a relationship where someone who is more knowledgeable or experienced helps guide and nurture the growth and professional or personal development of another person. There are many organizations whose main focus is to provide mentors for youth because

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of the documented success that mentorship has been known to provide. Adults even benefit from mentors as they navigate career opportunities and life-changing decisions. RISE supports LB921, because we see the value that mentorship provides individuals as they return home from incarceration. One of our core values is "withness." Yes, we created a word for our core value. This is walking alongside people, meeting them where they are with empathy and encouragement. Our community navigators are trained peer support specialists that can offer that mentorship for people going through reentry. And we even have business mentors for individuals who go through our business academy. What LB921 brings my interest to this is because one of the things we're working on is revamping our mentoring opportunities for individuals who are 18 to 24-year-olds who are impacted by the justice system. There's growing research on what is called emerging adults, those who are 18 to 24, in the system and this phenomenon of thrusting these youth, which, because they have not technically had these developmental milestones, right into the adult criminal legal system. There's a developmental framework that Columbia University's Justice Lab has created, which focuses on transforming how criminal legal systems respond to these adult-- these emerging adults. And there are 3 different levels that they look at. They look at the individual level, the practice level, and then the policy level. And they mention mentorship being at each one of these levels, that will help individuals as they are going through this system in that 18 to 24-year-old time frame. And so with that, level 3, building systems that support these practices will focus on ensuring laws and policies are in place that support the sustainability of these mentorship efforts, and that's what LB921 is getting at. And for these reasons, we support LB921 and ask that committee members vote this bill out to General File.

WAYNE: Any questions? Seeing none, thank you for being here. Next proponent.

JASON WITMER: Evening Chair, Senator Wayne and committee. My name is Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I am the policy fellow at ACLU, and we are here in support of LB921. Research indicates that parole and probation's traditional methods of surveillance-oriented supervision do not effectively reduce recidivism. Instead, they often result in technical violations leading to rule-based replications rather than criminal-based ones. This approach only perpetuates the overcrowding of our systems, which we are seeing great amount of in Nebraska. However, LB921 proposes a mentorship program that would shift the focus towards a working alliance between parole or probation

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officers and individuals they supervise. This alliance emphasizes pro-social communication skills, positive reinforcement, and community support rather than strict regulations. It should be built upon a agreed, agreed-upon goals, mutual respect, and productive tasks identified by both parties. Ingrained in these principles are evidence-based practices that lead to productive-- positive productivity, family reunification, and healthy mindsets. As put forth in LB921, the mentorship approach aligns with numerous evidence-based practices that have shown positive outcomes. It emphasizes the important of individual lives' support and guidance, which is crucial to reintegration into society. So I'm going to say this a lot because I testify on these bills, but less recidivism is more public safety. Them 2 go hand in hand. So with that in mind, we urge the committee to advance LB921. I will say to you-- a, a question you asked is I called it a working alliance, but I was reading and I [INAUDIBLE]-- I think it was the FBI, but it was a department. They called it therapeutic alliance, which is related to-- so you would look up therapeutic alliance. It came from like 1956. And it's talking about the relationship between a, a client and a therapist, but they was applying it between parole and the individual. I will say that the conflict of interest comes as me and my parole officer are going out and having drinks. Are going out and, you know, and doing things like that, as opposed to my parole officer-- I'm telling him I'm having problems, which, a traditional role 10 years ago would be like, that problem's too much. You're going back. Instead, they're talking about alternatives, including a dirty UA. Somebody's abusing drugs, do we need them to pack the system, or should we put them through treatment and see where we go from there? So that would be the diff-- that's just a scenario of the difference. And with that, you have the ability of people to be successful. Because as we know, to a degree, a lot of individuals are dealing with addiction. I'll just use that case. It took repeated times, if-- but if they have that support, then repeated times often come down. If your parole officer is your support, you got 2, 2 things to go. You go to them, you get treatment. If I can't go to you and I'm afraid to go back, guess what's going to happen? I'm gonna continue going down and down and down until I'm down the road of, probably, criminal behavior. So with that, if you have any questions, I'll be happy to answer them. Otherwise--

WAYNE: Any questions from the committee?

JASON WITMER: All right. Thank you.

WAYNE: Next proponent. Welcome back.

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SCOTT THOMAS: Hey, thank you, Chairman Wayne. Good afternoon, Judiciary Committee. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s, Village In Progress. And the 1948 Universal Declaration of Human Rights, Article 28, guarantees all Americans the right to a competent form of governance. And so I agree with Senator McKinney's statement that the recidivism rates are too high in this country. We're 5 to 10 times that of comparable, developed economic nations in other parts of the globe. But I'm also-- I'm-- see, I'm a mentor. I'm a mentee, as well. And so there's a human aspect to mentorship, as well. And in 2019, I had a guy contact me, and he told me I needed some mentorship. And I put it on my short list. We got a lot of stuff on our plate, a lot of things to do. Two weeks later, he was shot to death. So this is-- it's kind of essential to people's success. So if you want to lower the rates of the prison systems-- and I used to live in Texas. Texas has a privatized prison system. We got over 100 prisons in Texas. So if you want to lower the rates of incarceration for American citizens, it's probably a good idea to pair people at risk of recidivism with a, a mentor of some sort. Any questions for the Senators?

WAYNE: Any questions from the committee? Oh.

SCOTT THOMAS: Can I-- real quick, can I speak to the, the question Senator DeBoer had on the last bill? I just want to say-- because there was a lot of law enforcement in this room. And I think if you sell a gun to somebody and it's, it's a person-to-person transfer that law enforcement has no way of knowing that that occurred until that gun is used, and until the action is committed with that gun-- an improper action, and they come across it, and at that point, you would probably get felony charges. Any competent lawyer would find a way to charge you with felonies for that. But if you sold as many guns as you sold to Senator Ibach, the feds will come get you. There's no question. The feds can step in and get you for that.

IBACH: They're going to get me, too, because [INAUDIBLE].

SCOTT THOMAS: That's right. You, too, because you got a-- you got warlord, war chests now.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

SCOTT THOMAS: Thank you so much.

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WAYNE: Appreciate it.

DeBOER: She's just starting a school.

WAYNE: Next proponent, proponent. Welcome.

WILLIAM RINN: Good evening. It's William Rinn, R-i-n-n, chief deputy, Douglas County Sheriff's Office. I didn't have a bunch of written things prepared, but I didn't want to miss an opportunity to speak on something we have-- often find ourselves on opposite sides of things that get people dis-- have a discussion on how do we keep people incarcerated? How do we keep people detained? It's not often that we are able to collaborate on something that actually will assist, that is proven to work. My personal history with leadership and mentorship is 8 years in the United States military and 23 years at the Douglas County Sheriff's Office. I have been involved with the overall Douglas County mentorship program, so this would be my second year coming in. And I think it was testified, testified to before, mentorship does work. We do it in private industry. It's done in the military, education fields, we do it in law enforcement. And in each and every occasion, it can be proven that it does work. And we need to have-- if we're going to have serious discussions about reform, it needs to include solutions that balance that. Mentorship is a-- an investment that pays dividends forever, and it will continue to do that. In my personal career, I can tell you, the people that benefit most from mentee relationships, mentor-mentee relationships, are the people that are most in need. So the greater the need, the greater the benefit. I can't think of a greater need than persons who are walking the line and trying to, to get back into society. It's only logical that they will benefit the most from a program such as this. To your idea of conflict, you know, we use an indirect mentee. I would-- I recommend a-- if, if there is a change, a-- maybe an indirect mentee-mentor relationship. An example of that would be I have 5 people under my supervision. My coworker has 5. I will directly supervise mine. However, we'll each mentor each other, so that way there's a little bit of separation, that maybe builds a little bit more comfort with people coming forward and having discussions that aren't directly related to, to supervision. I will take any questions if you have them.

WAYNE: Any questions from the committee? Senator Ibach.

IBACH: Thank you, Chair. So if this is already occurring in parole offices, do you feel like it's already occurring in parole offices?

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WILLIAM RINN: I don't have any direct information that it is or is not.

IBACH: OK. So if, if it is, which, we have had testimony that it does work like that in some offices, would we be remiss if we didn't just expand on that in the al-- already existing protocol?

WILLIAM RINN: I believe so. And with mentorship, it's one of those things that it, it takes a little time. It's kind of like novacaine. And even if persons are intimating all of the, the, the parts of it, or part-- some parts of it-- and it has a lasting effect on the mentor, too. It trains them to think differently. So they-- the more they practice it, the better they get at it. So it's-- it happens over time. And then some, some of that indirect benefits happen to their next person or their next person after that.

IBACH: Thank you. Thank you.

WAYNE: Thank you. Any other questions from the committee?

WILLIAM RINN: Sorry.

WAYNE: Seeing none, thank you for being here. Any other proponents? Any opponents? You sure you don't want to testify op-- so used to testifying against this bills, I just wanted to make sure.

_____: You know what I'm trying to find? [INAUDIBLE].

WAYNE: Oh, OK. All right. I was just checking, just checking.

_____: Trying to find out the difference.

WAYNE: Anybody in a neutral capacity? Seeing none, as Senator McKinney comes up to close, there is 5 letters: 3 in support, 1 in opposition, and 1 in neutral.

McKINNEY: Thank you, and thank you for those who came to testify in support of this bill. I think it's a, it's a good measure. I try to look at our system and try to look at ways we can do some small but great things to improve it. And I think including mentorship into our parole and probation would be a added benefit for our state. Because when you look at a lot of the issues, I think there's a lot of bottlenecks in parole and probation, and issues with recidivism. And I think if we could improve those processes and, and those relationships, I think we could possibly have a decrease in our

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overcrowding situation, if less people are, are going back to prison. And with that, I'll answer any questions.

WAYNE: Any questions from the committee? Sorry, I was reading a-- I had to look up the-- going back up to the top. Universal Declaration of Human Rights. My man always tells me every, every hearing and I was like, I got to look it up this time. I appreciate it because now, it stuck with me, and I read it. Any questions? Seeing none, that will close the hearing on LB921. And we will open the hearing on LB919, Senator McKinney.

McKINNEY: Thank you, Chair Wayne and members of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the Legislature. Today I'm introducing LB919, which will mandate the state of Nebraska and the state Department of Correctional Services to demolish the Nebraska State Penitentiary upon completion of a new, multi-custody level correctional facility. As the State of Nebraska embarks on the construction of a new custody level correctional facility, with a projected cost exceeding \$350 million, it is imperative that we have-- that we address the fate of the outdated Nebraska State Penitentiary, otherwise known as NSP. It is crucial to recognize that the Legislature, under 2 administrations, was persuaded by the notion that NSP's condition warranted the construction of a new replacement facility. Therefore, it is essential that we mandate, in my opinion, the demolition of NSP upon completion of the new facility. This action would not only demonstrate our commitment to modernizing our Corrections system, but also alleviate taxpayers from the financial burden of maintaining an outdated facility. The significance of this bill is threefold. First, is safety concerns. For years, said NSP was in such disarray it's causing safety concerns. So NSP, NSP-- was told to us that NSP is plagued by aging infrastructure and outdated security measures, posing significant safety risks to both incarcerated individuals and staff. These issues have been exacerbated, exacerbated by years of deferred maintenance, inadequate staffing, mismanagement, and a lack of leadership. By demolishing NSP, we'll permanently eliminate these safety concerns and relieve taxpayers of the burden of managing an unsafe facility, which is important, since 2 administrations sold the Legislature on these concerns to justify the request for a new replacement prison. Next is the symbolic importance. Continuing to operate NSP sends the wrong message about our state's priorities. It implies a disregard for truthfulness with taxpayers who are funding the new prison project. Demolishing NSP sends a powerful message of fiscal responsibility and

a commitment to fulfilling promises made to taxpayers. Last is fiscal, fiscal responsibility. The ongoing maintenance and operating costs of NSP are substantial. Redirecting these resources toward more, towards more productive endeavors such as improving programming and services for incarcerated individuals will lead to long-term cost savings, better outcomes, lower recidivism, and a more efficient allocation of taxpayer dollars. This bill acknowledges the need for change within the criminal justice system, as highlighted in a recent UNO study, which blamed the Legislature for our state's overcrowding crisis. In conclusion, I've introduced this bill for 2 primary reasons: First, to express my opposition to the construction of new prisons and my belief that the justification for the new facility lacked transparency; second, to seek clarity of the future plans for NSP. I urge the committee to inquire about the following. I don't know if anybody from the department is going to show up today. It doesn't seem like it, which is weird, honestly, but it is what it is. Maybe they didn't want to answer these questions. But when you do talk to them, I advise you to ask these questions, or I hope you do. What-- first is what is the proposed plan for NSP after the new facility is completed? Next, given the new facility was marketed as a replacement for NSP, what factors have led to the decision to retain NSP to keep its operations open? Next, what are the projected costs associated with maintaining NSP in the future? Next, is there a plan to lower the custody level and repurpose NSP to house incarcerated individuals? And last, if a new prison is being built, what necess-- what necessitates keeping NSP operational? I think it's essential that we address these questions to ensure transparency, fiscal responsibility, and a commitment to effective corrections management in the state of Nebraska. I just personally think that they went around for 2--2, 3 years saying N-- NSP was in such disarray, such disarray that the state needed to spend \$350 million on a project to build a new prison, which is the biggest project ever in our state's history. If NSP was in such bad shape, why are we still trying to keep it open? It makes no sense. Now, if it's not a replacement, why did they market it as a replacement? The-- I think those questions we should ask. I'm looking at this executive summary from the Nebraska State Penitentiary Useful Life Engineering Study. And the deficiency costs of NSP are over \$220 million. So are we going to have a new prison, and are we still going to manage NSP? I think those are legitimate questions to ask. What is going to happen with NSP? Why they didn't show up, I'm lost. I think they probably should have, honestly, out of respect-- not for me, but out of respect for the committee. Because I think those-- these are questions that should be asked, because you guys took a vote last year to build this

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new prison under the premise that it was a replacement to NSP. So if it's a replacement to NSP, why are we keeping NSP open after we complete this new prison? I think it's a legitimate question. Thank you. I'll answer any questions.

WAYNE: Any questions from the committee? Senator Holdcroft.

HOLDCROFT: So, Senator-- thank you, Chairman Wayne. Senator McKinney, so then your real purpose behind-- I mean, the bill, it says demolish. That's all it says: demolish. But you're really trying to force or ask the Department of Corrections to come forward with what's their plan for it afterwards? I mean, the new, new prison is [INAUDIBLE].

McKINNEY: Yeah, I think it's 2-- well, I definitely want it demolished. I'm serious about that. But I do also want them to answer that, that last question.

HOLDCROFT: Yeah, well, my problem with demolishing it is that they're-- yeah. It's old. I mean, it-- but it's got some newer buildings. And I think there's some buildings there that are 4 years old. And I know there's a mental health classroom facility there. I know there's some industrial shops there. I think there are pieces of it that could be-- but I-- and I'm with you, in that the Department of Corrections needs to come forward and, and lay out what they, they plan to do with, with the NSP. And I would be with you, as to trying to keep it open as a maximum security facility.

McKINNEY: But my question to that is, why did they go around saying the buildings were 100 years old? They was in such bad shape that we had to-- it was in such a crisis that we needed \$350 million to build a prison. They didn't start saying until last year, until I brought that amendment on that appropriations bill, that there were buildings onsite that probably shouldn't be demolished, or should be saved. So if that's the case, somebody needs to come out, I believe, publicly and speak to the taxpayers and say, we didn't tell the full truth about the conditions of NSP.

HOLDCROFT: Thank you.

McKINNEY: Yep.

WAYNE: Any other questions from the committee? Seeing none, thank you. First proponent, proponent. Anybody, anybody but Jason. You are barred from--

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JASON WITMER: Good evening.

WAYNE: You're barred from testify-- oh.

JASON WITMER: I wanted us all to miss the next episode of Dancing With the Stars, apparently.

BOSN: Farmer's Got a Wife [SIC].

JASON WITMER: Farmer-- yeah. Yeah. I'm Jason Witmer, J-a-s-o-n. I gave you a handout, which was by the, by the way, commissioned by the Department of Corrections. It's not by me. W-i-t-m-e-r. I, I don't think I spelled my last name. I'm a policy fellow at ACLU, and we are here in support of LB919. The new prison planned to be com-- the new prison, planned to be completed in 2028, is projected to cost more than \$350 million, which is \$120 million more than when it was initially projected the cost. Despite the majority of Nebraskans indicating they did not want to support the construction of a new prison and numerous evidence-based reports stating it will not solve our over im-- over-imprisonment problem, we are apparently fully set to build it. With that said, most Nebraskans agree that the Nebraska State Penitentiary, or NSP, is in no condition to house anyone. For the past 4 years, the Nebraska Department of Corrections, representatives, and others have repeatedly stated that a new prison was needed because NSP was deteriorating and that a new prison would provide a safer and more humane facility for rehabilitation. LB919 honors the department's position that NSP is not suitable for refurbishment. According to the fiscal note, the demolition of NSP is estimated to be \$45 million, bringing only just to Dylan, but only if you look at this, Housing Unit 6, alone, is \$40 million. You mentioned the mental health building. That's on there. That's 1-- I think it's \$1.5 million. And there's Units 1-5, which are-- were all of the newer buildings. They are, what, like \$100 million. So there-- this is pretty-- and this ain't talking about the, the lower and the infrastructure that I said. It's in here. So the cost is, as said, \$220 million 2 years ago, from the report given before you. So that's not with inflation. With that being said, again, it's worth reiterating that the new prison is going to cost \$350 million and who knows what on top of that. And we were told repeatedly, and people who opposed the new prison turned around and agreed to the new prison, that, OK, yes, that's deteriorating. People shouldn't live in that. And so they changed their mind and supported the new prison. And now, if we don't order a demolition of NSP-- we all knew it was coming, that, that there is-- going to reverse course and talk about how we

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should invest in this NSP. So events in L919[SIC], this body upholds the promise to taxpaying Nebraskans, what we was told why this new prison was needed. Demolition NSP-- we should demolish NSP and let the land be, be affordable housing, a park, or I don't know, an agricultural initiative. So with that, let it be a symbol of investment in, in something else, into the people of Nebraska, rather than what's there, which is nothing about-- there's nothing for us to be proud of. So with that being said, we urge you to support LB919, demolish NSP, and let's move forward with better agendas than to keep an old, decaying prison that nobody should be in.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

JASON WITMER: All right. Thank you.

WAYNE: Next proponent. Seeing none, opponent. Seeing none, consent calendar. Welcome back. We had 2-- Senator McKinney, we have 1 letter in support, 1 letter in opposition, and 1 letter in neutral, all from the same person. No, I'm joking. Go ahead.

McKINNEY: Thank you. I mean, it's surprising. I went through 2 days of bills where no state agency opposed my bills. I guess I'm on the right track. But seriously, though, I think maybe we need to have a special hearing with the department to have this question asked. I honestly thought they might show up and answer this question. I'm kind of disappointed they didn't. But I really think we need to have a real discussion about the future of NSP. I think it should be demolished, because if the fiscal note says it's going to, going to cost \$45 million to demolish, what's the cost to maintain it for-- in the future? How much is that going to cost the taxpayers, especially when we have housing units that are going to cost \$96-plus million dollars to repurpose, \$40 million to repurpose? What are we going to do? Something is going-- the state is-- the state is going to have to spend something on NSP, regardless of if we completely demolish it or decommission it or repurpose it. There's going to have to be state dollars spent. So there's going to be a request to the Legislature to fund this. So maybe it's not demolishing it, but I really think we should have a conversation with them and say, what are you going to do? Because it's a cost to maintain it and that's deep. Regardless if we demolish it or keep it open, there is an additional cost on top of paying for a new prison, and I think we should have answers to. With that, I'll answer any questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 22, 2024
Rough Draft

WAYNE: Any questions from the committee? I will reach out to Clements and let's do a joint hearing with D--DS-- D-- Department of Corrections. So, I'll get that scheduled. But--

McKINNEY: All right.

WAYNE: --any other questions from the committee? Seeing none, that'll end the hearing on LB119-- or LB919, and end today's hearing.