

March 2, 1973

SENATOR LUEDTKE: Senator I just said that in Nebraska, the definition of conviction is once you have been sentenced and if you are never sentenced you are not convicted, that doesn't mean you haven't pled guilty, that doesn't mean that you haven't in fact in most cases, you have pled guilty because they usually, at least most clerks they don't even consider this probation unless you have pled guilty, it's rare that you plead not guilty and are found guilty and then placed on probation, it's rare I say, it can be done, but this is the technicality of the law in Nebraska and by the way Senator Dickinson, it is just as applicable to the fellow that goes through the stop sign as the drunken driver, we always think about the drunken driver, but we have a lot of people on probation in this county where they're particularly youngsters, young people who have developed a bad driving record and they want to catch them at that point and put them on a rigid two year probation and believe me Senator Dickinson that probation that they have is worse then going to jail for most of them.

SENATOR DICKINSON: But it's not worse then losing points off that driver's license. Any thing to avoid this seems to me to be, not in line with our traffic safety program that we are trying to facilitate.

SENATOR LUEDTKE: It is exactly in line with the traffic safety program, yes, sir, these people -

SENATOR DICKINSON: That's entirely a matter of opinion, I'm opposed to this amendment.

SENATOR LUEDTKE: Well Senator Dickinson, it may be a matter of opinion but the people who are involved in traffic safety are the ones that are in favor of this.

SPEAKER: Now, Senator Carpenter.

SENATOR CARPENTER: Obviously this controversial I move we pass it over.

SPEAKER: The motion is to pass over the bill. Senator Luedtke.

SENATOR LUEDTKE: Mr. President I think we've done all, we've spent all the time arguing on it, we just as well vote on it now, we've already wasted the time, we should have stopped a little while ago if we were going to do that.

SPEAKER: Now the Chair is in a delicate position, I found the thing -

SENATOR LUEDTKE: Let's vote on it.

SPEAKER: We're voting, the question, you've heard the discussion of the committee amendments and that's what all the discussion was about, the question is shall the committee amendments be adopted? All those in favor say aye, those opposed say no, so ordered. The committee amendments are adopted. On to the bill. Are there other amendments to LB 317?

CLERK: None Mr. President.

SPEAKER: Very good, Senator Luedtke is there any further discussion of LB 317? Excuse me, it's Senator Kelly's bill? I lost tract of that fact Senator Kelly and I apologize, back to Senator Kelly.

SENATOR KELLY: Mr. President and members of the body I move that we advance LB 317 to E&F initial.