

PRESIDENT: Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. President. Senator Hoagland, I would like to ask, you made the statement that this bill or this law would apply to everyone, doctors, lawyers, judges, state senators, everyone. This is true?

SENATOR HOAGLAND: The mandatory provisions, that is right, Senator.

SENATOR HIGGINS: But by the same token, it is true that the mandatory provision, the judge can give you probation on it.

SENATOR HOAGLAND: It is kind of confusing reading the bill, Senator Higgins. There are two levels of mandatory provisions. The first level set out on page 4 of the bill can be suspended by the judge and you can be put on probation. Then later in the bill, pages 8 through 10 set out those provisions of current statute that describe how when the judge does suspend those and puts you on probation, a condition of probation has to be 60-day license suspension for first offenders and the other things I mentioned for second and third offenders.

SENATOR HIGGINS: Thank you. In that case, where the judge has that, there is really no guarantee that those with political influence or influence of power would not be given probation. So it truly would not apply to everybody. The everyday blue collar worker, he might get the mandatory minimum sentence whereas an attorney, and I have seen this happen repeatedly in the courts, because he is an officer of the court, is dealt with less severely. I remember particularly in Omaha one attorney who had six DWIs. Finally on the sixth one, they gave him a jail sentence because he killed somebody. But because he was an attorney, they said we are not going to put you in that crowded Douglas County jail. So they sent him out to the Fremont jail. Now I ask you, is that dealing with everyone the same way? So I think when judges look at attorneys, maybe they look at them a little differently, or perhaps when they look at the president of a large corporation, or they look at other people that are dressed nicely, as long as they truly aren't mandatory in every sense, and in some cases they can be given probation, it isn't what I would call just and fair. Also on a first offense, I could have been given a