

It's not an unfair situation as you might have heard that if one county has it and another doesn't, that is not an unfair situation. We have it right now under current statute for all sorts of other offenses. This particular bill is an add-on to other offenses. I should point out right now that the reason this is in here is because of the feds or because of, I should say, probably because of some lobbying from a particular group or two. But this...if we look at what is going on right now, a county attorney can set up a diversion program for anything. There is no limitations on what the county attorney can set up a diversion program for except DWI. We have separated DWI out from all other offenses whether it be sexual assault on children or armed robbery or whatever else, we separated that offense out. Now it's highly unlikely that a county attorney is going to establish a diversion program for those types of offenses, but they certainly are being established right now even as we speak for drug offenses, but for DWIs it's too heinous a crime to be doing it for. And I think that is just bad policy. Our county attorneys are local county attorneys, know better what is going on in their counties than this group as a body does or, for that matter, a local county attorney in Kearney County or Buffalo County would know a lot more of what's going on in that area of the state than does the county attorney in Douglas County or Sarpy County or Lancaster County who would then have veto power over all those other areas. What this seeks to do is allow the locals to make that policy if they decide to do that. And to then take that policy away even from 49 lawmakers and give that power to 93 county boards and county attorneys to decide for everybody in the state, any one of them, I think is just terrible policy. This is not correcting an unfair situation, as Senator Hall mentioned. Sarpy County already has one. They have it, if you talk to them, it works. You have a lower amount of recidivism and that's ultimately what we're trying to do. We're trying to keep the drunks off the streets. We may have different...and what we're getting down to is what policies do we use to do that? But it's working in Sarpy County. It's not an unfair situation that if you're, right now if you're arrested in Douglas County versus Sarpy County that you don't have DWI, or excuse me, you don't have diversion. If it's unfair, then we ought to be changing it right now, either getting rid of Sarpy County's diversion program...

PRESIDENT MOUL: One minute.

SENATOR LINDSAY: ...or allowing others to do it. That's what