

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 17, 2002 LB 1303

amendment. But if you would, Senator.

SENATOR CUDABACK: Senator Bromm.

SENATOR BROMM: Thank you. How much time is left?

SENATOR CUDABACK: You have about four and a half minutes.

SENATOR BROMM: Okay. Thank you, Senator Coordsen. Yeah, I'd be glad to make some comments on this. I...I...I kind of start from the same premise that Senator Coordsen does, in terms of the fact that this can be a real difference in justice. If one is picked up for speeding, has two points left on their license and it happens to be a three-point violation, and they are...have no option but to go to court and lose the points and lose the license in one county, but if they were in the next county over, under certain criteria, they might be eligible for pretrial diversion and might be able to go to some classes and receive no...no charge and no point loss. And...and that does not seem...seem fair to me either. What we run up against are...are a couple of things. First of all, there...there is no right, absolute right, that's been established to a pretrial diversion program. Now that...that is simply a comment. Secondly, county attorneys throughout the state have chosen, as well as city attorneys in some cases, have chosen to either participate or not to participate by setting up a pretrial diversion for minor traffic offenses, and they have maintained steadfastly that that is prosecutorial discretion. And up to this time, in the absence of us doing something to mandate it, they're correct, I think, in that position. The first thing that we attempted to try to do with LB 1303, after running into significant objections to mandating the program throughout the state, was to try to bring some...some uniformity to the program, to move in that direction so that there...there was some common sense in what was charged, and for participating in the programs, and...and to prescribe, with little more certainty, where the money goes that is realized from the program. In doing those things, once those things are established, hopefully, through LB 1303, then it would be my hope that, not necessarily over the objections of the county attorneys, but with...working with the county attorneys, we can