

March 29, 1979

LB 376

occurred in which there were three fatalities and three persons injured. A person was simply falling down drunk. He was contacted by a police department, not our agency. He possibly could have been charged with disturbing the peace but was not, it being the interpretation that the Legislature really did not want disturbing the peace statutes used to try and get around the decriminalization of intoxication, and that is the instruction we are giving to our officers as well. So he was let go. His wife was with him. She begin to drive home, but at some point in the trip, he took over the driving and was very, very intoxicated. Three needless deaths resulted." The problem we have with the current statutes for decriminalization of intoxication is that these individuals cannot be taken home, they cannot be taken to a detoxification center, they cannot be taken to jail and an individual who is drunk not violating another law is free to walk to his car, get in that car and kill someone else and that has already happened in the State of Nebraska. Now it is my hope that you will adopt these amendments, allow us civil protective custody for a maximum of twelve hours so that we can solve the very serious problems resulting from the decriminalization of intoxication. I would ask that you adopt the committee amendments.

SPEAKER MARVEL: Before we get into a vote on the committee amendments, in the South balcony, there are fifteen second and third graders, one teacher, three parents, Carolyn Early, teacher, and they are from the Cheney grade school in Senator Warner's District. Would you raise your hands and show us where you are so we can say hello. Senator Wesely, do you wish to speak to the committee amendments?

SENATOR WESELY: Yes, I would. I rise in very strong support for the committee amendments to LB 376. This is a problem that is being attacked in two different ways. LB 376 is one approach to the problem that we have presently with the decriminalization of intoxication. The other approach is LB 259 which delays that decriminalization of intoxication. My personal belief is that LB 376 is a superior means to deal with the problems we have presently in the State of Nebraska as a result of our decriminalization of intoxication in this state. Let me say first I very strongly support the decriminalization of intoxication. I think that is a very positive step and it was something that we needed to take. However, we have had some problems. We still have a situation where people have gotten drunk and they have been in our streets and other public places and there is no place to take them. There is no way to take care of their needs and their problems