

March 10, 1982

LB 568

This will allow us or any other interested party to look over judges' shoulders to see if they are doing their job. This will also allow us to pinpoint where the system is breaking down. If DMV needs to improve their record-keeping, we will find out from the judges in short order. Other provisions of the bill coordinate refusal prosecutions from DWI prosecution. We increased the revocation period for administrative revocation. We eliminate the work permit as a part of administrative revocation, and we eliminate pre-trial diversion. Let's not kid ourselves. It is not possible to draft laws which will guarantee police officers will arrest every drunk driver, prosecutors will prosecute every drunk driver and judges or jury will convict every drunk driver. To think that you can do that legislation is to deny the realities of the criminal justice system. What we can do is eliminate opportunities for plea bargaining and provide for judicial oversight. This is the system the Judiciary Committee amendments would establish. It is probably the only system that will have a lasting effect. Others will attempt perhaps to amend our amendments by supplementing them with a group of amendments. I urge you to pay attention to these amendments that are introduced by others to see if they will fit into our system or not. With that, Mr. President, I urge for the adoption of the committee amendments.

SENATOR CLARK: The first amendment to the committee amendments.

CLERK: Mr. President, the first amendment to the committee amendments is offered by Senator Nichol and it is found on page 993 of the Legislative Journal.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Clerk, which one is that, please.

CLERK: Senator, it is a...it is like a five-page amendment that adds new language for the first offense, two years for the first offense, five years for the second or subsequent offense. It is on page 993 of the Journal. Five-page amendment, Senator. I've got a copy here if you don't have one, Senator.

SENATOR NICHOL: Mr. President, these amendments are essentially a fine-tune of provisions now in LB 568. LB 568 would make it possible for all DWIs in Lincoln and Omaha to be processed through the Municipal Courts.