

March 10, 1982

LB 568

because an alcoholic knows that when he gets behind the wheel of his car and he is intoxicated, he should not be driving. The public wants something done. This bill will do it. Let them put them on probation but they still must spend some time paying for their penalties. The other bill doesn't do that. Pre-trial diversion, they get driver's permits. They can drive on pre-trial diversion. You are putting the drunk right back out on the highway. This isn't going to work. I would like to have you...and from the input that I have had, and from the people at the hearing and the letters that I could pass out and I am sure you have had it, this is what the subject...the citizens are asking for, and this is what we should have. So if you will go through it and if you have any questions, I will be glad to ask them for you....answer them for you. One more thing, to show you the importance of this probation, in 1982 a judge by the name of Caniglia put a man on probation that had his fifth drunken driving offense, his fifth time. The record showed earlier that this man had two years probation and the judge said he believes that Friday's action is the first time he has placed a person charged with a third offense driving on probation instead of jail. But you go back to 1973 and the judge did the same thing to another man who had been placed on probation three years for a fifth drunken driving offense. So we have to say to the courts, this is what we want.

SENATOR CLARK: You have about a half a minute.

SENATOR HABERMAN: We have to tell the courts what we want. Some of the courts aren't doing it. My bill would say to the courts, you are going to have to do this. We give you plenty of leeway. Put them in the detox center, do what you wish, but mandatorily they are going to have to spend some time working it out the first time, at least 16 hours; the second time at least 48 hours which isn't too much. So I ask that you approve the Haberman-Hoagland amendments to LB 568.

SENATOR CLARK: Senator Nichol. That will be the last Speaker until we come back at 1:30.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I rise to oppose the Haberman amendment on LB 568. Senator Haberman has told you everything that he thinks will go right if we adopt these amendments. I want to tell you some of the questions that I have and some of the things that most probably will go wrong if these amendments are adopted. First of all, the Haberman amendments