

March 10, 1981

LR 568

that person is locked up but during the time that this person is undergoing the help that is needed and following that time. I think it is better to try to correct conduct of a person internally if that is possible. When you can have an internal control on an individual, you don't need a policeman at every corner because the policeman is within the individual. The pre-trial diversion program attempts to do that. Those who regulate these kinds of programs deal with all types of crimes, some crimes that people like me would consider abhorrent, repulsive, inexcusable under any and all circumstances such as incest. But in Lancaster County where Senator Nichol says they don't want to have pre-trial diversion for DWI they are talking in the County Attorney's office about having it for nonforced incest, if physical force is not used, have pre-trial diversion for those who commit incest. No think about that. Whose standards of values will be adopted in determining which offenses justify this kind of treatment? It would seem to me that those who fall prey to the most widely abused drug in society, to the drug that evil, devil brew, which has all kinds of names... Solomon referred to it as an adder that stingeth, some people call it firewater, others call it rookus juice, and despite all of these terrible names we apply to it, everybody or enough people do it so you can make the generalization that everybody does it. A contingent left the Legislature to go to California to make sure that one of those factories that produces this devil's brew would continue to operate and produce this devil's brew. There are full page advertisements to persuade as many people as possible to drink it. You can go to the premises and get some free, at least you could when the man was happy that his brewery was saved, and I imagine that people after drinking drove home. We have arbitrarily set a figure of .10 which if you have that amount of alcohol in your system you can be prosecuted, but the idea ought to be that if it is evil to drink and drive, if you have a whisper of it on your breath, that should be sufficient to bring you under the punishment of the law. But we know that is not going to be the case because most people who drink are going to drink and drive too. So you draw a line and say if you drink more than a certain amount, then you come into the clutches of the law. Since the Legislature seems intent on passing some kind of law which I think is unwise, you ought to try to put into it or leave unscathed by it a program that apparently is doing something good. If we are really trying to help people who drink, really trying to ensure the safety of people on the highways, then why destroy a program that has done some of that? On the other hand, if our only intent is to pass a bill

8662