

March 10, 1982

LB 568

SENATOR NEWELL: ...what you are talking about in terms of types of programs.

SENATOR NICHOL: May I just clear this, Senator Newell, and I appreciate your offer. I would feel much more comfortable if you did have it on the record that this was a first offense drunk driving than not having any record at all because as I stated, you know, umpteens times in here, you know, when you have been caught several times drunk driving, you go a lot of times you don't get caught, and if we are really sincere about catching the drunk driver, then I would certainly approve of your amendment a lot more than just the amendment the way it is.

SENATOR NEWELL: Well, I will try to draft that and add that a little later to the proposal and maybe you and I can get together and work on the details of that if, in fact, if it is much more complicated than I think it is.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President and members, a question of Senator Nichol.

SENATOR CLARK: Senator Nichol. Senator Nichol, will you yield? Senator Nichol, will you yield?

SENATOR COPE: Senator Nichol, a question on pre-trial diversion. Am I charged, that is is there a record anywhere if I am not so-called found guilty by on the pre-trial conversion?

SENATOR NICHOL: With pre-trial diversion you are not charged, Senator Cope, so there can be no guilty or not guilty because....

SENATOR COPE: There is none. All right, what if I am guilty, in other words, they find that I am guilty, what happens then?

SENATOR NICHOL: It doesn't go on your record...the prosecuting attorney never files a charge and he says, Mr. Cope, I am going to tell you to do this and that and this thing and if you do these things, the situation will be over and there will be nothing on your record to show that you ever drove while under the influence or while intoxicated.

SENATOR COPE: So there is no record whatsoever?

SENATOR NICHOL: On pre-trial diversion that is correct.

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