

March 10, 1982

LB 568

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, this is...we are trying to clarify this and this is what we are doing, and Senator Nichol rightly suggested we ought to put this proposal first. Basically, it would clarify the extent to which the pre-trial diversion can be used. It would limit it to only once so that, in fact, you won't have the concerns that Senator Nichol has that this will be a way of avoiding the whole situation, on and on and on. So it basically would say the pre-trial diversion program can only be used once and after that then you must have the full force provisions of the law. With that I think we can get this amendment to be much clearer, allow these programs to continue, which are very good programs, and do it in a positive way.

SENATOR CLARK: Senator Schmit. Senator Kilgarin.

SENATOR KILGARIN: Thank you, Senator Clark. Members of the Legislature, I will keep it very brief. This is essentially the same amendment although we are going to limit it to one opportunity to go through the pre-trial diversion program, and if you are picked up again you will not have that opportunity to go through the pre-trial diversion program. Senator Nichol, I believe agrees with this amendment and if there are any technical problems with it, they will be looked at before we hit Select File on it. I would urge you to adopt the amendment. I think that we have some real good pre-trial diversion programs throughout the state. They are working. Statistics say that they are working. It is proven, and I would sure like to see this incorporated into our DWI legislation this year. So I would ask for your support on this amendment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I will support the amendment. I think we need to look into it between now and Select as to whether or not they can pre-trial divert after they have had an offense or two and things of this nature, but for the time being I would support the amendment, but I can't hardly see where somebody has had two convictions and then let them pre-trial divert and I don't think that is the intention of Senator Koch or Senator Kilgarin. So for the moment I would support the amendment.

SENATOR CLARK: Senator Newell, do you wish to close?

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