

March 11, 1982

LB 870

about this was the judge that pronounced sentence on this individual during the time, the interim from the time the girl lost her life until the man went to trial on this particular offense, himself was picked up as a DWI driver. Now how can someone that deals in justice and in equity be in a position to sentence a person who had participated in a similar activity for which he was charged. I think if we have a law that would provide for mandatory sentence, a mandatory fine, there would be some consistency, there would be some equity, but there would still be latitude for judges if they feel that more restrictive penalties should be imposed on these individuals, the latitude is there in the provisions of 870, and I don't have much sympathy or empathy for those who say that it would fill our jails. I think the people that are taxpayers in the State of Nebraska understand the seriousness of this problem. I think if it takes additional dollars to make their point, that they are willing to support that. Ladies and gentlemen, I would just ask that you adopt the amendment to LB 870, that you advance it. They are conflicting approaches to address the same problem but I feel that they are so divergent that this Legislature should express themselves as to whether or not they want a law which would be provided with LB 870 that would impose mandatory jail time and also fines as contrasted with those in the provisions of LB 568. I would move that LB 870 be advanced or rather the amendments to LB 870 be adopted and I would like a record vote please.

SENATOR CLARK: The question before the House is the adoption of the Stoney amendment. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 12 nays on adoption of Senator Stoney's amendment.

SENATOR CLARK: The amendment is adopted. The next amendment.

CLERK: Mr. President, the next amendment I have is from Senator DeCamp. It is Request 2773 and you will find it in your bill books.

SENATOR CLARK: Senator DeCamp, you have got five minutes to put it through.

SENATOR DeCAMP: Mr. President and members of the Legislature, I said that I would attempt this amendment on another bill when and if I had the support of all the alcohol and safety groups in the state. I am still waiting for those letters to come in. I have got about three-fourths of them done.