

March 11, 1982

LB 870

postpone LB 870.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, the criminal justice system in California simply doesn't operate as the criminal justice operates in Nebraska. Like Maine, California does not have an integrated statewide probation system for the courts to rely on. California does not have the same type of court system we have and there is about the same chance of taking a criminal statute from another state and enacting it here in Nebraska and expecting it to work as it would be for Senator Warner to take an appropriation measure from another state and expecting it to work here. You have to work with the system that is in place, not a system that is in another state. California didn't even have a one percent per se violation until the recent enactment, last year. We are following California not at all. They are following us more than we are following them. Now, yesterday Senator Hoagland said that it wouldn't hurt anything to put two or three hundred people in jail in Nebraska. What are you dealing with here? You are not dealing with two or three hundred people. You are dealing with five to six thousand people in jails...five to six thousand people in jails, not two or three hundred. I think that if you want to do this, you can put it in the bill that we adopted yesterday or attempt to rather than accept another state's drunk driving bill and expecting it to work in our system. It won't do it unless we want to revise the whole system and go back and change a bunch of laws so that our backlog of laws applying to this will be like California's or like Maine's, or some other states that we want to apply. Let's have a system set up, a Nebraska system, so that we can put on the amendments we want whatever they are and whatever the majority of the people in this body decide, that's the way it will be. But let's put it on a bill that is accommodating to the laws of Nebraska. I move for the indefinite postponement of LB 870.

SENATOR CLARK: Senator Vickers. Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, Senator Nichol stands up and suggests that we indefinitely postpone the bill because it won't fit into Nebraska law but he doesn't cite one example where there is a conflict between this and existing law. He doesn't offer us any explanation of why this will not fit into the Nebraska law. He merely says it's a different system of law, it won't work. Well, you know, I guess the mental