

March 11, 1982

LB 870

health law that we have written was based upon modified statutes from other states, from Illinois, from many other states that have had experience in this area. We do it every day. We look at the statutes in other states and we try to borrow good concepts from other states and incorporate them into our own statutes. But the fact that it comes from California doesn't mean anything to him, and unless Senator Nichol can articulate in a clear and concise fashion why there is some problem with adopting this concept into Nebraska law, I don't understand his argument. Just because it came from California doesn't concern me and I don't think it should concern you. Secondly, the point I would make is that this bill was not talking about putting individuals in jail for extended periods of time. It is talking about 48 hours. Most of those are probably going to occur on the weekends, and I am not sure that that is such a tremendous problem. You know, if you were putting them in jail for a year or something, or 30 days, it may create a serious problem, but that is not what we are talking about doing. Another point I would make is that the State of Nebraska recently decriminalized public intoxication, so those individuals who used to walk the streets in the State of Nebraska or who used to come out of bars who were intoxicated and be arrested at that time can now get in their cars and drive. And as a result of repealing public intoxication, we tremendously, tremendously, reduce the number of people placed in local jails in this state. Sheridan County's jail load decreased tremendously and I am sure the same thing is true across the State of Nebraska because those people who used to be picked up every night and many of them on the weekends are no longer in jail. So I don't believe that the 48-hour jail provision is going to create the problems, that mandatory sentence is going to create a problem as far as the jails are concerned because those people used to be there and they are not there any more. So I disagree very much with the comments that have been made in opposition to the bill. I think it is a basic philosophical issue. You want mandatory sentence. You want the individual to spend some time, incarceration, to review and think about what he has done, and I urge you to advance LB 870. I see no reason to reject this proposal in favor of the one that was advanced yesterday.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, I have a suggestion on Senator Nichol's 6000 people we are going to have to make room for in jails. If we put 200 in jail, I think we are going to scare the booze out of the other 5800 and maybe we won't need room for them.

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