

in fact, may discourage its use. In all fairness to these amendments I point out that if this body is intent on repeat offenders in jail then these amendments may be the only method that we can accomplish that and still retain the ability for prosecutors to utilize prior offenses. This approach would allow judges to utilize probation as a rehabilitative tool. I think I have given you a fair assessment of the risks involved in taking this approach. I move for the adoption of this amendment.

SENATOR LAMB: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, let me repeat, if I might, in brief form what the amendment that Senator Nichol, Haberman and I are co-sponsoring does. Senator Nichol has explained it very well. Let me just boil it down in a word. This amendment makes no change with respect to the penalties for first offense drunk drivers. Under the law first offense drunk drivers can still be put on probation, the only mandatory aspect would be a sixty day license suspension. These amendments do two things. The first is with respect to the second offense drunk drivers and the second is with respect to third offense drunk drivers. These amendments require a 48 hour minimum jail term for second offense drunk drivers and they require a 7 day minimum jail term for third offense drunk drivers. Now, let me remind you that that seven day minimum jail term for third offense drunk drivers can under existing law be served on a work-release basis. What work-release means is that when the person gets up out of bed in the morning he can check out of the jail and go to work and then he has to check back in around dinner time to spend the night in jail. Under existing law he is entitled to work-release and we are not changing that because we don't want these people that are serving time in jail because of a mandatory minimum to be put in the position of jeopardizing their families or their work. So this first Nichol-Haberman-Hoagland amendment simply does two things. Number one, adds 48 hours mandatory minimum for second offenders and seven days mandatory minimum for third offenders, does not change the committee bill in any respect with respect to first offenders. Now the reason that we are bringing this amendment in is obviously to make the law a lot tougher. The point of making the law tougher is to deter people from driving when they have been drinking. Now there have been a number of important studies that have been done on the subject including the highway loss reduction status report published in April of '81 by the Insurance Institute for Highway Safety. That particular study makes the important point that we must maintain the public perception that we have a tough drunk driving law in Nebraska. As long as we