

SENATOR HABERMAN: Mr. President, members of the Legislature, in response to Senator Sieck. Senator Sieck, alcohol treatment can be a part of the probation. The judge can do this. So that will cover the problem. Yes he can, he can put them in jail 48 hours, he can suspend their license for six months and he can also have them go through an alcohol treatment program as part of the probation. We do not limit the courts in what they can do on probation. We are saying to the courts you must do at least these two things. If you wish to take probation further you may do so. This is true in all three. We are really not hamstringing the courts in any way. I feel that this, and these amendments will fully satisfy the wishes of the public, it satisfies the wishes of the courts and the prosecuting attorneys and I hope that it satisfies the majority of the people in this body. It has taken months of work, lots of details, compromise, we have talked, legally it can stand on its own two feet, that is why we started a new Class W misdemeanor and this will work. Lets give it a chance, lets try it. If it doesn't work, I'll be one of the first ones to come back and help change it. Again I will remind this body, it does not stop the courts from having a person in any of the three offenses on probation from taking the treatment or going through a treatment center. Thank you, Mr. President.

SENATOR LAMB: Chair recognizes Senator Dworak on the amendment.

SENATOR DWORAK: Mr. Speaker, a question of Senator Nichol if he will yield.

SENATOR LAMB: Senator Nichol.

SENATOR NICHOL: Yes.

SENATOR DWORAK: Senator Nichol, in the handout that went around, on the second half of the page it says, "no pretrial diversion." I've had a conversation with Senator Hoagland who says that that is not correct on this specific amendment. For the record I want to make certain that that is not correct for this specific amendment.

SENATOR NICHOL: As I explained in the beginning, Senator Dworak you are correct. The top part of it above other provisions is what the bill will contain if you adopt the amendment that we are talking about now and also the next amendment which is simply a small technical amendment. So you are absolutely correct, Senator Dworak, pretrial diversion