

is in the bill now. I think Senator Hoagland has an amendment to attempt to take it out later, but pretrial diversion is in the amendment now.

SENATOR DWORAK: And, if this amendment passes it still will be in the bill now.

SENATOR NICHOL: That is correct.

SENATOR DWORAK: Thank you, Senator Nichol.

SENATOR LAMB: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I would like to ask a question of one of the introducers of the amendment please.

SENATOR LAMB: Senator Nichol, will you respond?

SENATOR NICHOL: Yes.

SENATOR SCHMIT: As I read the amendment now it says seven days in jail first offense, is that right?

SENATOR NICHOL: Yes.

SENATOR SCHMIT: That is mandatory seven days in jail.

SENATOR NICHOL: Let me explain mandatory sentence in jail. On the first offense, Senator Schmit, yes, it is seven days in jail. However, that can be gotten around if the judge gives probation. Yes, he can get a sentence so he does not have seven days in jail the first time. The second and third time, absolute have to go to jail, probation or no probation. But the judge the first offense can issue probation whereby the person does not serve mandatory time in jail. Correct. Or, Senator Schmit, I should also add if the Judge wants to he certainly can put him in the jail on the first offense.

SENATOR SCHMIT: All right then if I have enough influence I do not have to serve any jail, I can get probation but someone who does not have the proper kind of influence can get probation.

SENATOR NICHOL: That is true, if you have judges who are not cricket all the way and wish to do business that way that will happen, that is correct.

SENATOR SCHMIT: Well lets just look at it realistically