

I guess, we know the situation, I have confidence in the judiciary. But, lets take a look at something else then lets assume that we will be treated equitably, the rich and the poor or the influential or the non-influential will be treated equitably. What about the provision that exist right now where we know that in the City of Omaha for example, we have a far lower rate of arrests for drunken driving than we have in outstate Nebraska, Scottsbluff for example. What do you have in the statute that requires that an individual who is arrested and is obviously under intoxication, under the influence, that he is actually charged with that, that he is not charged with some other crime?

SENATOR NICHL: Here again, Senator Schmit, if the prosecuting attorney is honest he will file the correct crime. This is no guarantee that we will not have plea bargaining, can't get around that, this bill will not guarantee that. I wish it could and I wish we could think of some way to get around it but we can't and this bill, or Senator Stoney's bill or nobody elses will guarantee that. Does that answer that part of the question for you?

SENATOR SCHMIT: Well I guess it does except what I am saying is that obviously we know that today, in Douglas County, the chances of being arrested for DWI, after we will say six bottles of beer, are a lot less than they are in Scottsbluff or any other part of the state or in Lincoln. Now, I don't know whether that is the arresting officer's fault, or the prosecuting attorney's fault or whose fault it is but the fact is that we know that it occurs. Senator Hoagland, if you want to answer the question I'd like to ask you since you are obviously familiar with the situation. And you are knowledgeable. You just as well give it first hand as to send it through Senator Nichol.

SENATOR LAMB: Senator Hoagland.

SENATOR HOAGLAND: Senator Schmit, about all I can say to that is as you know the World Herald did that study that you are referring too showing that DWI arrests on a per capita basis is much lower in Douglas County than Lancaster or Scottsbluff. All I can say is we are getting a new police chief, Senator Schmit, and he knows of our concerns about this and we are hopeful that it will put more officers on the DWI beat.

SENATOR SCHMIT: At the present time. . .you are hopeful. In other words, you will concede Senator Hoagland that at the present time with an equal amount of alcohol in your