

record to be kept of a first offense drunk driving. If you are charged with first offense drunken driving and beat the case you are not guilty of a first offense drunken driving. If you go pretrial diversion you are not guilty of anything because you haven't been charged with anything. Simply to keep a record that you went through pretrial diversion doesn't mean a thing. I would think the first thing that would happen if you were charged with drunk driving and somewhere there was a pretrial diversion situation, that does not prove that you are guilty of first offense driving, so the Judge automatically would take that offense as the first offense instead of the second, simply because you have something filed somewhere which probably won't get filed there in the first place, doesn't mean that you are guilty of a thing. Don't think you can use this, don't think it will work. I don't think judges and their attorneys will pay any attention to it. I hope that you will not vote for the 'lewell amendment to the amendment.

SENATOR LAMB: Senator Chambers, your light is on for the other amendment. Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, I would like to register my strong opposition to Senator Newell's amendment. I think Senator Nichol and I have thought the whole pretrial diversion issue would be argued in the next amendment, not as part of this amendment. Since we are arguing the pretrial issue right now, let me just concur with Senator Nichol's objections to it and indicate that as I stated before whether or not drunk driving laws work in terms of saving lives and decreasing accidents depends principally upon our ability to maintain the public perception that we have a tough law and that that tough law is being enforced. Now the problem with having a pretrial diversion program is that it puts a center, it puts a hole in the middle of our bill as big as a hole in a doughnut. Because if pretrial diversion programs are permitted as part of the drunk driving laws there is going to be no effective way of regulating its use by defendants and county attorneys around the state. Now, this amendment would purportedly set up a reporting system so there would be some policing of the pretrial diversion program so that the provision of the current bill, the defendants can avail themselves of it only once would work. But I think it is the feeling of those of us who are against this concept that that isn't going to effectively work, that there is going to be no way effectively of keeping people from availing themselves of a pretrial diversion program a second or third or fourth time and that way not be subject