

does. The amendment very simply says that it deals with some of Senator Hoagland's eloquent arguments about why it is not a good idea. It deals with how we are going to keep the record so you don't have that opportunity that Senator Hoagland described which probably isn't very legitimate anyway since there is only one county, as he is going to argue later, that has a pretrial diversion system. Two counties actually, Dodge and Sarpy. What it says is we will keep a record and the judge and the prosecutor will be able to refer to those and there will not be this great loophole. That is what the amendment does. It does not place pretrial diversion into this amendment, it just says that since we have already authorized pretrial diversion we are going to set up a system on how it can be tracked and how you can track those individuals who are going to be in the system. That is what this amendment does. There is a lot of reasons why pretrial diversion ought to stay in this bill, but that is another issue. This is to make it work since it is already in. Senator Kilgarin asked for some of my time and I would like to cede her the last two or three minutes of it.

SENATOR LAMB: Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. Chairman and members of the Legislature. I would rise to support Senator Newell's amendment. As he said it does not institute pretrial diversion, that is presently in the bill. I'm somewhat surprised at Senator Hoagland's opposition to this amendment. I think that it is important that we adopt this amendment so that the pretrial diversion program now in place in the bill will work. We are not talking about doing away totally with pretrial diversion, we are not talking about making sure it stays in the bill. It is kind of like an old legislative trick I guess and you learn things real quick down here. They are attacking this because this is going to make pretrial diversion work. It is going to keep them from going through it more than once. So they are attacking this because they don't like the pretrial diversion program that is in the bill. When they stand up next time to propose their amendment to do away with pretrial diversion they can say, well there is no tracking system. Of course not. Not if we don't adopt Senator Newell's amendment. I strongly urge your support of this amendment so we can keep track of the people who go through pretrial diversion and so that the program can work. Thank you.

SENATOR LAMB: The motion is to adopt the Newell amendment to the Haberman-Hoagland-Nichol amendment. Those in support