

two choices under the old law he is given two choices. He could either not prosecute or he could prosecute. The judge would determine exactly what the sentence were. The pre-trial diversion system says there is a third option and the third option for first offense only, and that is the way the amendment is written now, for first offense only the first time, only one time can you use this pretrial diversion system. The option is that the county attorney can say listen. You have a problem with alcohol. You know the problem is not that you drank too much at one party but the problem is that you have a long time problem with alcohol. They have to go and they have to look and they do an evaluation. Then they say, but listen, if you will deal with your alcohol problem by going through this program, a long program dealing with the valuation, dealing with an on-going system to try to help these individuals understand what their problem is, then you will not be tried the first time. The first time. Now frankly that makes excellent sense. It makes excellent sense in a number of ways. We have got to remember that not only are we trying to reduce the traffic deaths, not only are we trying to insure further that we will not have the kind of problem with alcohol or the people who drink toomuch and drive we also have to recognize that there are in fact alcoholics who can not help themselves or who have not come to understand that they must help themselves. I have a relative who is an alcoholic. He will not admit that, he hasn't admitted it to himself but he is, in fact, an alcoholic. Now this is the kind of program that he needs to go through. He will not go through this program because he has not had that opportunity, has not faced that choice. But with the strong drunk driving bill that we are about to pass, this option could have well been given to him and it would have been easy for him to understand what he should do. That is the reason why. . .

SENATOR LAMB: One minute, Senator.

SENATOR NEWELL: . . .we must deal with this. That is the reason why we must maintain this kind of program. The arguments that have been used today, (A) that it is just not statewide yet, and that is exactly what it is, is true. But with a strong drunk driving law it will in fact be provided, those options will be provided in many more counties in a very short period of time and many counties will come together to work through a program. Two, the argument that it is a massive loophole, it is not, it need not be a massive loophole, but it can and it must deal with the problem alcoholic. We have to deal with them too.