

is, for some reason there is a notion in this nation today the way to solve anything is throw everybody in jail. I suggest white collared criminals ought to be thrown in jail for income tax evasion as well. But seldom do they ever get there, you know as. . .

SENATOR LAMB: Your time is up.

SENATOR KOCH: . . . well as I do. Thank you.

SENATOR LAMB: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I rise to support this amendment. This is number one loophole. Number one loophole. If you want to go home and say we did a good job on a drunk driving bill, we made it tough and we have got the biggest loophole of any state in the United States, this is it. Number one loophole. Drunk driving bill with a great big loophole. That is what this is and remember that. This is what we call special legislation. Special. Sarpy County has a good pretrial diversion program, so we build the whole law around Sarpy County or whichever county this is that has such good pretrial diversion. Let me tell you something. Lincoln, Nebraska, Lancaster County has one of the best pretrial diversion operation in the state, I understand. They do not use pretrial diversion for drunk driving. They use pretrial diversion for everything else. They do not use it for drunk driving. Now what is the difference between pretrial diversion and having the situation go to a judge? We have a judge, he is being paid for it, he or she ought to be making the decision rather than leaving it up to the prosecuting attorney in most cases, the county attorney. What happens in pretrial diversion is this, for those of you who are interested. When you are charged with drunk driving you go first to the county attorney. He says, you are in trouble. You are charged with drunk driving. You say, what can I do. He says, well I can pretrial divert you, which means if you do what I tell you you can go home free and there will be no charge filed, there will be no record kept and you will never hear again about this being a drunk driving charge. So, if you do what he says you do go home. The difference in Lancaster County is you go before the prosecuting attorney who in turn shows you to the judge and the judge makes the decision, where the decision should be made. Now the judge can do the same thing as the pretrial diversion officer could do. In other words, the county attorney could do. He can do the same thing, if he wants to, if he has the courage to, and if he has the guts to, and if he has the energy to and wants to do it. Here is where we fall down