

we will continue with the debate. There are some, I can't remember if I said the debate is ceased or not. So the next speaker is Senator Kilgarin.

SENATOR KILGARIN: Thank you very much, Senator Lamb, and colleagues. I would just like to ask all of you, if you can find it in your file, I send out a letter on pretrial diversion and enclosed in that letter a letter from Ron Brown from the County Attorney's Association. I would just like to go over a couple of points that were made in that letter and in my letter to you. I think that it is important that we recognize and are concerned with mandatory sentencing. I voted for Senator Nichol-Haberman and Senator Hoagland's amendment on the minimum sentencing. But, I also think that we need to retain pretrial diversion. I think that it is important because I think that is one chance that we can give people to go to the root of the problem, if they have one, with their drinking. If they have a drinking problem a weekend in jail, true, is not going to hurt anyone, but it certainly is not going to help anyone with a drinking problem. The recidivism rate on the pretrial diversion program in Sarpy County is point two tenths of one percent. Senator Hoagland and Senator Nichol brought up the fact that if they are arrested again they will be dealt with under the first offense. That is true. But under the first offense by the amendments that we adopted, proposed by those same senators the judge is left enough discretion to be tougher if he realizes that they went through pretrial and were arrested previously. I think that it is important that we note that. I also think that it is also important for all of you self proclaimed fiscal conservatives to listen to the points made by Ron Brown in his letter from the County Attorney's Association. I'm going to read from that. "If the Legislature proceeds to adopt mandatory minimum sentences as a condition of probation it should do so only with the full knowledge that there will be a dramatic increase in jury trials at great expense to the counties. With the results that already congested court dockets will be further burdened. Counties with already over crowded jails will be unable to handle additional DWI offenders and the probation administration will certainly need additional personnel to supervise a dramatically increased case load." We are talking about dollars and cents here. Especially common sense. If we can come out with a recidivism rate of two tenths of one percent when they go through this pretrial diversion plan, I don't understand the argument of second offenders. We are talking about two tenths of one percent that goes through the program that would even have the chance to be prosecuted again. Or even arrested a second time. The program works. It helps people who have alcohol