

two or three drinks, we decide to adjourn to my home in Sarpy County. I am driving, I get one block north of Harrison Street, Douglas County, I'm pulled over. I'm cited for DWI. Test proves positive. The case goes to Pinky Knoll's, County Attorney, and the next step is here comes the judge, no if's, and's, or but's. But, on the other hand suppose I am lucky. Suppose I get just two blocks farther south on my way home. Same circumstances, pulled over, cited, blood test proves positive, but it is an entirely different story, it is not here comes the judge, it is here comes the prosecuting attorney. The prosecuting attorney under the pretrial diversion program is allowed to usurp judicial discretion and there is no way you can wash that. You go before the prosecuting attorney before you go before the judge because the prosecuting attorney makes that determination. I might add that if you have \$220 available for that pretrial diversion program probably has a little something to do with whether or not you are allowed. Ladies and gentlemen, I submit to you that if that pretrial diversion program, as operated in my county, which is a good program if you look at it in terms of recidivism, but if that is equal justice for all, I don't buy it. I urge the adoption of the amendment. Thank you.

SENATOR LAMB: Senator Schmit.

SENATOR SCHMIT: I call the question again, Mr. President.

SENATOR LAMB: Question has been called for. Do I see five hands? I do. Those in support of ceasing debate vote aye, those opposed vote no. Record.

CLERK: 30 ayes, 0 nays to cease debate, Mr. President.

SENATOR LAMB: Debate is ceased. Which one of the introducers, Senator Hoagland, do you care to close?

SENATOR HOAGLAND: Yes, I would like to begin my closing by yielding to Senator Nichol.

SENATOR LAMB: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, the only thing I wanted to say is we have in one case the drunk driver going to the county attorney and the other case going to the county judge, one or the other. Lincoln doesn't use pretrial diversion on drunk driving cases. The judge can provide probation just like the county attorney can. He can also charge you for the services of probation just like the