

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues. I would also like to rise in strong opposition to Senator Schmit's amendment. This is a very serious amendment and it involves much more than meets the eye. It involves much more than antabuse. Now, I don't believe that this amendment has been printed and I don't think it has been distributed to any of you. If you are really thinking about voting for this I would urge you to go up to Mr. O'Donnell's desk and read the thing before you vote for it or consider voting for it, because it goes far beyond the simple antabuse problem. What the amendment basically says is it takes that section saying that pretrial diversion shall not be allowed. Then it adds a little tag, "Unless, such person consents to a voluntary antabuse treatment program." So what it says in other words is there is no pretrial diversion unless somebody consents to antabuse. Now as Senator Haberman points out that is unfair because a lot of people can't take antabuse in the first place. Secondly, it opens up the exception to pretrial diversion programs to be used over and over and over again, unlike the proposal that Senator Newell offers before, which was a worthy proposal, which limited pretrial diversion to a once only basis. Now, this opens it up for enumerable times. As Senator Nichol indicated we fought this battle at least twice the last time this bill was up. I really don't think that this is written exactly the way Senator Schmit would like to write it because of these problems that it creates. Now, in addition to that as a lot of us have said before, there is utterly nothing at all inconsistent with going into court and taking a conviction and paying your price under the law and in addition to that entering rehabilitative programs. Senator Schmit says that we need encouragement for people to take antabuse. Well, the problem with that argument is that it ignores the whole court structure while people are put on probation and they are given terms of probation which they must abide by, if they don't abide by those terms their probation is revoked and they go to jail for the term of the sentence as provided under law. Under our current system there is plenty of encouragement for people to get themselves put on probation and to abide by the terms of those probations. A condition of probation can just as easily be use of antabuse as is..as any of the other terms of probation that are so frequently imposed on people in drunk driving cases. Finally, as Senator Nichol indicated this genuinely creates a big loophole in the law. People will on repeated occasions be able to avoid coming to court, avoid taking convictions, and thereby avoiding getting into the enhanced penalty