

February 4, 1992 LB 291

SENATOR WARNER: One minute.

SENATOR CROSBY: .. and that kind of activity that they enjoy so much. So I am going to pass the folder around. I was listening to what Senator Chambers said about the .02. I wish we could do that because the more people we take off the road who are drinking who should not be driving the better off we will be overall. Thank you.

SENATOR WARNER: Senator Haberman.

SENATOR HABERMAN: Mr. President, ladies and gentlemen, members of the body, I have before me just one sheet of 53 sentences by one judge in Omaha. I have a computer printout of every judge in Omaha and every sentence he has ever given on DWI from January '91 to November 22, '91. Unfortunately at this time research has not gotten this tallied. At the present time I have four people in my office trying to tally this one judge but I'm going to give you the figures that I have tallied on this one page which has 53 sentences. When I received the tally from my office, this particular judge had 265 DWIs in his court. Altogether there were 3,828 DWIs in Douglas County. There were seven out of 53 licenses impounded, 11 licenses revoked, 21 probations, 10 capias, c-a-p-i-a-s, that's where they don't even show up and 4 were put in jail. Now I thought I heard a senator stand on this floor saying, how rough it's going to be and how bad it's going to be if the license is suspended. The figures that I have on this one judge and I'll have them all before we're through with this debate shows that they are doing it now. There's no flare back. I've heard nothing. I'm sure that we would have heard if they were doing too much license suspending. I support the issue but I just wanted to tell you that every judge, every judge does his own thing. I happened to have the McCook paper January 24, reckless driving amended under a plea agreement from driving while intoxicated and driving on the left half of roadway, \$100 in costs. First offense driving while intoxicated under a plea agreement, the charge was amended from second offense driving while intoxicated and driving left half of the roadway was dismissed. If you will look at the records, you will find that some attorneys have a better record with some judges than they do with other judges. They take into...they take under consideration the circumstances. They take under consideration what's going to happen to this person if we take their license. And they say, well, this person is up for second or third offense, we can't lower the boom because