

February 4, 1992 LB 291

SENATOR PETERSON: I was just going to make that statement, Mr. President.

SENATOR WARNER: Call-in votes are acceptable. The motion is to cease debate.

CLERK: Senator Labeledz voting yes. Senator Wesely voting yes. Senator Beutler voting yes. Senator Rasmussen voting yes. Senator Robinson voting yes. Senator Schrock voting yes. Senator Byars voting yes.

SENATOR WARNER: Clerk, record.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SENATOR WARNER: Motion is carried. The debate is ceased. Senator Hall, do you wish to close on your amendment?

SENATOR HALL: Thank you, Mr. President, yes. Mr. President and members, the amendment, although the debate has been pretty much around the bill itself, go back to what the amendment does that we're talking about here that we're going to be voting on. It increases the penalty, increases the penalty for fourth conviction or subsequent offense to a maximum of five years and 10,000 and a mandatory minimum, a mandatory minimum. Much of the argument that I have made is that what the bill does is put in place sentences and provisions with regard to jail time that are unrealistic and don't relate at all to the crime involved especially in the case of a first offense. In this case, the bill does nothing to address, in my opinion, to the chronic abuser, the individual who like it or not, Senator Haberman's statistics will show that there are a number of those individuals who are receiving lesser than the minimum sentence that would be involved in what I offer here. In other words, 90 days and a \$500 would be minimum. And that I think is something that we ought to be putting into this proposal. What else does it do? What is the poison, as Senator Kristensen talked about with regard to the bill? It does this. It says that if I get a DWI, for example, oh, July of '91, if I should not get another DWI, under current law ten years would have to go by before, for purposes of sentencing, that could be considered to be a first offense again. What this says is that if five years go by, five years, five years is a long time, ladies and gentlemen. If somebody is a chronic abuser of alcohol and Senator Crosby, you're absolutely right, nobody has