

CLERK: Page 12, striking lines 10 through 15, is that what I heard you say, Senator?

SENATOR BERNARD-STEVENS: Correct. That's what the amendment does. The lines that we gave you was on the bill as it came out of E & R rather than 3901. Members of the body, the amendment that we've been talking about, I appreciate the discussion and the support for the amendment. One of the concerns I've always had is that we deal a lot with punishments, but sometimes we don't look at the cause, and sometimes we don't look at what we can do to help so that the crime does not come about again. And we've talked a lot about we need to stop the second, third and fourth time offenders, but the only thing we have in the statute at this point under the DWI is the section that says that alcoholism or drug treatment programs may be required if the term is on probation. So in other words, if you don't get probation, that section doesn't apply. There is no optional treatment program for you. If the person is such that needs, the judge says deserves to do time and pay a fine and do stiffer penalties, but also needs treatment, they don't have that option. What this amendment does is it says, listen, we're going to have them do an assessment. It will be during the pre-sentence evaluation and upon sentencing, the judge may use that assessment and continue on that assessment whether it's treatment, whether it's Alcoholic Anonymous or what have you. And Senator Hall was exactly right, many people, if the cost is expensive, many people would much rather find a way to do that rather than go to jail. I mean, that is absolutely true. And what we need to also do in the body besides being tough on crime, we also have to be compassionate to the point that we allow treatment to occur. I feel much better as a senator knowing that we've tried to give the treatment, and if the crime happens again, to be much harsher on the person knowing that we've given them the option. I feel very bad as a senator knowing that we haven't given an option to help solve the problem on treatment or an assessment of that problem. We haven't given them the option, yet we put them in jail time and time again and yet they are paying our price and society's price for our failure to deal with the problem. This is a meager, small attempt to deal with the problem and I urge its adoption. Thank you.

SPEAKER BAACK: You've heard the closing on the amendment offered by Senator Bernard-Stevens. We'll now vote on that amendment. All those in favor vote aye, opposed vote no. We