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April 14, 2003 LB 454

Norris Legislative Chamber. Senators, the afternoon session is about to reconvene. Please check in. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Mr. Clerk, where were we when we recessed for lunch?

CLERK: Mr. President, discussion of LB 454 had commenced. Senator Aguilar had opened on his bill. I have no amendments at this time.

SENATOR CUDABACK: Okay. Thank you. The speaking order for discussion of the advancement of LB 454, Senator Chambers, then Senator Aguilar. Senator Chambers. Senator Chambers? I'm sorry. I'm sorry. You turned your light off. I'm sorry. Senator Aguilar.

SENATOR AGUILAR: Thank you, Mr. President, members of the body. I wanted to go back and address a couple of the questions that were asked earlier. I think the first one was asked by Senator Chambers, which was, you know, can a drug court actually put a person in jail before they're convicted? In the Central Nebraska Drug Court, when a person agrees to drug court rules, they also plead guilty to the charges. So the court's...the drug court's sanctions come into play after they plead guilty, but before sentencing. If the participant drops out of the drug court, they simply go back to court for the sentencing on the original charges. This person is asking for a second chance in life. They read and agree to the drug court rules ahead of time. That includes a sanction of, say, three days in jail for failing a drug test. That sanction only comes into play after the number of drug tests are increased, the counseling sessions are increased, and the judge feels it is a last resort. This program is voluntary. And I stress that word, "voluntary." If the defendant wants to get off drugs so bad that they will agree to three days in jail because they had a dirty UA, who are we to tell them no? I think it's so important, so important that they have this opportunity. It is a second chance in life. And I feel it's a break. It's not like anybody is going after anybody to unduly punish them. It's a second chance to try to get their