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FLOOR DEBATE

April 5, 2006

LB 925

SENATOR CUDABACK: Thank you, Senator Flood. Further discussion? Senator Schimek, on the Bourne amendment.

SENATOR SCHIMEK: Thank you, Mr. President and members. I don't intend to speak long, but I did receive an e-mail from an attorney in my district who raised some flags about the approach that is being used in this bill. And I'm not prepared to really go into it in detail today, because with the rush of everything, I received this letter after the bill was on General File, and I haven't had a chance to speak with this attorney. But the key question, I think, that he raised with me that I need to talk to him about, it says, in my experience, there are two overriding factors that persuade my clients who are first offenders to seek probation rather than accept a straight sentence--avoidance of jail time, and a reduced loss of license. This bill removes both these incentives for persons with a blood alcohol content greater than .15. And he said that when the law was first changed to require a one-year revocation for DUIs: Second, regardless of whether the person accepted probation or a straight sentence, instances of my clients who took straight sentences increased. So I guess I have some questions to answer in my own mind. And I don't want to prolong this debate, because I'm not really prepared to go any more than just say that I'm starting to look at this bill from a different perspective, because he says, where's the incentive to seek probation with the required alcohol awareness or treatment if the potential was there for more jail time and a stiffer fine than with a straight sentence, and the license revocation is one year either way? So I need to really look at the bill again, and I really need to talk to this client. I just wanted to raise that concern. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Schimek. Further discussion? There are no lights on. Senator Bourne, you're recognized to close. Senator Bourne waives closing. The question before the body is, shall AM3084 be adopted to LB 925? All in favor vote aye; opposed, nay. We're voting on adoption of the Bourne amendment, AM3084. Have you all voted on the question who care to? Please record, Mr. Clerk.