

March 10, 1982

LB 568

sanctions. We have done this by charging headlong into the various areas of law on this subject with big criminal penalties without attempting to integrate a comprehensive approach into the entire system. Years ago DWI was handled mainly as a traffic offense with administrative sanctions. As we increased criminal penalties, we have taken many DWI prosecutions out of the traffic courts but we have never bothered to update the administrative procedures. We have been sending two different messages to law enforcement and the courts.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Yes, sir.

SENATOR CLARK: I thoroughly enjoy your speech but you are not on the committee amendments. Would you get on the committee amendments, please?

SENATOR NICHOL: I am on the committee amendments.

SENATOR CLARK: I enjoyed the speech but it doesn't seem to me like you are on the committee amendments.

SENATOR NICHOL: Well, I am on the committee amendments.

SENATOR CLARK: All right, go ahead.

SENATOR NICHOL: Mr. Chairman, I should explain that the committee amendments as adopted by the Judiciary Committee do not have anything much to do with the original draft of the bill. Some of the penalties, some of the things are the same but it is much different than the original, and the committee amendments do substitute the contents of the bill.

SENATOR CLARK: Okay, go ahead.

SENATOR NICHOL: On one hand we have been telling them that we want them to get tough with drunk drivers. We have done that by arbitrarily increasing penalties for drunk drivers. On the other hand, we have allowed administrative loopholes such as driving permits to circumvent what we have done. Without exception...and let me repeat, without exception every DWI bill introduced this session has some type of jurisdictional or procedural flaw which would have defeated its purpose. Every bill as introduced left in existing law many of the loopholes now being used to avoid jail or loss of license. Some of the bills as introduced would require a massive overhaul of our statutes