

have been convicted. The problem with offering those resources to persons before they are convicted, because we lose track of the fact that they have been in the DWI system before and they are able to fall between the cracks in terms of whether they fall within the first, second or third offense sanctions of LB 568. Now I know that some senators feel very strongly that this ought to stay in. It is not an easy question for any of us because there is a good functioning program in Sarpy County. This is a tough decision but I think the only way we can go with this decision is to take pretrial diversions out for everyone in DWI offenses only, they will still be available in every other kind of offense prosecuted by the county attorney because if we leave them in again we are building a big loophole into the law that is going to result in a deterioration of the public perception that we have a tough law and that that tough law is being enforced. If we don't maintain that perception we are not going to see accidents and deaths come down. So, I would ask the adoption of this amendment. Thank you, Mr. President.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, I can appreciate Senator Hoagland's arguments, Senator Nichol's arguments and I just want to remind this Legislature that just a few minutes ago the arguments that were used against pretrial diversion were: (A) There is no reporting, so therefore we can't track these people. We offered an amendment to try to make that workable and as soon as this is defeated we will offer another amendment to make it workable. But I want to speak very frankly and succinctly to the issue of pretrial diversion. A couple of arguments have been used. One of them only two counties in the state have pretrial diversion, therefore it isn't any good. You know the other part of that argument is that only two counties in the state have pretrial diversion and therefore, you know, we ought to look at it as just a regional phenomenon and out law it because we want the perception that we have strong drunk driving laws in this state. Members of this Legislature we just voted for an amendment that provides tough drunk driving laws in this state. To go along with those, that tough amendment we now can insure absolutely, without question insure that there will be successful pretrial diversion systems throughout this state. The reason why is because we are going to pass a very tough drunk driving law. You see that is the issue. When the prosecutor is given three,