

this question for clarification for myself then. If you would interpret that a young person was a seller, would he be subject to the same sort of penalties as for instance a company or, I mean, someone else that is selling them in quantity?

SENATOR HOAGLAND: What we have done is we've kept the penalties quite low, Senator Smith. For first offense it is a Class III misdemeanor which is a three month misdemeanor. Most of the drug penalties are in the felony range. In this bill we've kept it in the low grade misdemeanor range. Now what will happen to a seventeen year old at Burke High School who is caught with a hundred pills, selling it to his friends for fifty cents a pill or whatever, is he will go through the juvenile court in Omaha. If he is under eighteen he will be charged and he will be processed in the juvenile court and the juvenile court, if it finds that he is guilty, will have jurisdiction over him until he reaches a certain age which, I believe, is nineteen, and if he comes from a stable home situation and he is a first offender, he will be returned to his parents. He will be asked to come back down to court sixty days later to report to the judge. A social worker will be assigned to him. He may receive some psychological counselling, but in the State of Nebraska our juvenile courts are rehabilitative, not punitive. The whole purpose of putting an individual through the juvenile court system is to rehabilitate him, keep him from doing the act again so that is what is going to happen to these kids if they are arrested. They are not going to go to jail for even a day or two. They are going to go through the juvenile court which means they are returned to their families unless they have such an unstable family situation and they are repeated offenders in which case they are sent out to the Kearney Boys Home. But kids are sent out to Kearney only after they've been through the juvenile court on a number of occasions and have proved intractable.

SENATOR SMITH: Okay, one more question then, if I may. Then how would you separate for instance the young kid who wants to be like all the other kids? With these things that we are seeing here, you know, be like all your peers who may have a pocketful of them that he got from someone else and he is giving some to his friends, would that young person be classified the same way as one who with...you know, you said a hundred pills, you know very well he is trying to get rid of them selling them to people and so on? Is there any way