

SENATOR KRISTENSEN: ...for the...if you're under the age of 21, and if you are going to be operating a motor vehicle with more than .02 in your blood, you're subject to, right now, penalties of I believe it's a Class III misdemeanor. And what you're saying then is that if...on your first offense of that, you would be required to attend, for at least three months, an alcohol or drug treatment program.

SENATOR BERNARD-STEVENS: That is correct.

SENATOR KRISTENSEN: Okay. And if you've had a prior conviction, then you go to the Class III misdemeanor, and then the Beutler penalty that he did the other day, which took away the administrative license revocation procedures, but still allowed for a Class III misdemeanor.

SENATOR BERNARD-STEVENS: That is also correct.

SENATOR KRISTENSEN: Okay. Now, the treatment program that you envision, is it your intent that that be an inpatient treatment program?

SENATOR BERNARD-STEVENS: That I, to be honest with you, Senator Kristensen, in...from my experience on working with the different regions out there that have drug and alcohol abuse programs, that's determined, I think, on a case-by-case basis.

SENATOR KRISTENSEN: And who would...the judge would make the decision as to whether they had to have inpatient or an outpatient treatment?

SENATOR BERNARD-STEVENS: In my...you would be better off answering that than I. In my view of what would happen, they would be...they would be sentenced, if you wish, to the treatment of three months. And it would be the professionals working with that person within the treatment process that would determine that. Now, you can...I don't know if a judge would have the prerogative of stating that it would be inpatient or not, I assume not. But if a judge could, then he could.

SENATOR KRISTENSEN: Okay, one of the...one of the theory things here that I look at is it's kind of like having minor in possession. Instead of having that can of beer in their hands, they've got the can of beer in their system and operating the motor vehicle. So many times it's usually a minor's first