

PRESIDENT MOUL: Senator Hudkins.

SENATOR HUDKINS: I would prefer to go to 1513 first.

CLERK: Oh, you're right, I'm sorry, 1513, Senator. (Hudkins amendment appears on pages 1668-69 of the Legislative Journal.)

SENATOR HUDKINS: 1513 again is quite short. I'll try to explain it. Not all counties in the state have a pretrial diversion program. If you are lucky enough to be arrested for DWI in a county that does have the program and then you are unlucky enough to be arrested in the same county again, the first arrest does not count and so actually your second offense is your first offense and then subsequently your third would be your second. So what my amendment does is to, in effect, say that if one county has a pretrial diversion program, they all must because it really is not fair to have a second offense in one county that is a second offense and another county have a second offense that is technically a first offense. I hope I have explained that so it's understandable. Thank you.

PRESIDENT MOUL: Thank you, Senator Hudkins. Senator Hall, do you wish to address this amendment?

SENATOR HALL: Yes, thank you, Madam President, members. The issue I would ask, if Senator Hudkins would respond to a question. Senator Hudkins, the intent of the amendment, as I understand it, is to require all counties to have these programs?

SENATOR HUDKINS: I think I said it backwards. If one doesn't...if one wants to have it, they all have to have it.

SENATOR HALL: So...well, what happens to the, for example, Sarpy County which already has a program in place?

SENATOR HUDKINS: Then they have to convince the other 92 counties that they have to have one also.

SENATOR HALL: Oh, so in other words, any one county has a veto authority over all the other counties, under this amendment?

SENATOR HUDKINS: Yes.

SENATOR HALL: Thank you. Madam President, and members. I rise