

April 21, 1993      LB 779

the motion to cease debate.

CLERK: (Roll call vote taken. See page 1669 of the Legislative Journal.) 30 ayes, 3 nays to cease debate.

PRESIDENT MOUL: We have ceased debate. I will raise the call and I will ask Senator Hudkins for closing.

SENATOR DAY: Just a very brief closing. I think what we're after here is uniformity in sentencing and I don't really believe that it's fair for defendants to be allowed to do a pretrial diversion in one county and not in another so, therefore, I would urge you to support the amendment. Thank you.

PRESIDENT MOUL: Thank you, Senator Hudkins. We will now vote on the Hudkins amendment to LB 779. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 13 ayes, 21 nays, Madam President, on the amendment.

PRESIDENT MOUL: The amendment fails.

CLERK: Madam President, I have other amendments. I have a priority motion. Senator Kristensen would move to bracket LB 779 until June 1, 1993.

PRESIDENT MOUL: Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President, and members of the Legislature, upon listening to the debate and the discussion about money and whether we qualify for the federal funds or not, obviously, there is some honest disagreement perhaps, I'm not sure, and with that I guess before I'm going to go and take a risk of losing those funds I'd like to find out for sure and, thus, I think a bracket motion is probably appropriate, but at the same time, Senator Lindsay, if I could, could I ask you just a couple of questions so...because I have a feeling this may be some discussion, this bracket motion as well about the merits of the bill and for my purposes I'd just like to get some intent from you. Is it your intent that a charge, a criminal complaint must be filed under LB 779 in order for the pretrial diversion program to begin?