

SENATOR LINDSAY: No, the bulk of this is to be left to the county attorney. The county attorney is to operate basically as we're doing it now, just with those minimum requirements that we've set forth in this section.

SENATOR KRISTENSEN: Okay, so the county attorney, if they want to run the diversion program, could just hold the criminal complaints and never file them and run the diversion program pursuant to this?

SENATOR LINDSAY: That's correct.

SENATOR KRISTENSEN: Now, maybe I should change this to an IPP motion, but when you do that, as I read the ALR statute, that then, the failure to file that charge does affect ALR, doesn't it? If the county attorney holds that charge in their pockets and never files it, then you come in under Section 669.16 where it talks about after that 30 days is run, if the county attorney hasn't filed the charge, it's like the county attorney saying they're not guilty, thus, ALR is affected, isn't it?

SENATOR LINDSAY: No, because it requires a 60-day voluntary suspension of the license to get into it in the first place. You have the 30 days before that the county attorney holds it, that the license...well, I guess you've got the temporary permit during that time.

SENATOR KRISTENSEN: Right.

SENATOR LINDSAY: So I've got...to clear that up as I made it clear on the record, this is not intended to disrupt ALR, I'd be happy to amend it to get to that point. (interruption).

SENATOR KRISTENSEN: Okay, but I guess what I want to make sure is that the way it is written, I think it does affect ALR in terms of that if you don't file that charge, because most county attorneys are going to want to file the charge and then dismiss it later because then every month the county attorney's record is going to look like he dismissed all these drunk driving charges and somebody will politically run against him and say, look how soft they are on drunk driving charges, he dismissed all those cases and, in effect, what will happen is the county attorney will never ever file them and just hold them and the way the ALR is written, that's a judicial bypass that tolls the ALR. ALR just doesn't...you get your...you don't lose your