

State judiciary committee hears drug and alcohol bills

By Patty Pryor

Further attempts to reduce the number of alcohol- and drug-related traffic deaths were considered in judiciary committee hearings at the Legislature.

LB1100, introduced by Sen. Loran Schmit of Bellwood, would establish a standard method of testing for drugs and alcohol in the bloodstream.

LB1111e, introduced by Sens. William Nichol of Scottsbluff and Peter Hoagland of Omaha, proposes tighter penalties for driving-while-intoxicated convictions.

Speaking on LB1100, Schmit said it was difficult, if not impossible, to determine what effect drugs have in DWI cases.

"There seems to be a void in the area of testing for drugs," he said.

Other senators, however, said it could be difficult to find a quick and reliable method for drug testing.

"When we're dealing with alcohol, there's a certain objective standard that determines, mechanically, when you're drunk," said Sen. Ernie Chambers of Omaha. "But under drugs, there's no objective standard."

Chambers also said he had doubts about a provision which states that legal use of a drug is not a viable defense.

"What if someone is just driving erratically, because he's a bad driver, but some (legal) drug is found in his system?" Chambers said. "He'd be guilty under this law."

Alan Everett, deputy county attorney, testifying for informational purposes, offered other concerns about the problems of testing for drugs.

If testing shows a trace of drugs in the system, he said, a prosecutor would be "hard-pressed" to prove the drug's influence without another test, which is often impossible.

"Another problem with drug tests is that you don't know exactly what you're looking for," Everett said. "A

prosecutor would have to get lucky enough to test for the right thing."

Filing drug charges in a DWI case is a rare practice, Everett said. In 14 months, he said, he has prosecuted only one such case, in which the defendant was committed for treatment and the charges were dropped.

The number of alcohol-related convictions, however, has risen since DWI laws were toughened, and LB1111e would put the finishing touches on those laws, Nichol said in opening testimony on his bill.

Current DWI laws stipulate the following penalties:

For a first offense, maximum — seven days in jail and a \$200 fine or six-month license revocation; minimum — 60-day license revocation.

For second offense, maximum — 30 days in jail and a \$500 fine or one-year license revocation; minimum — 48 hours in jail and six-month license revocation.

For third offense, maximum — three to six months in jail and a \$500 fine or permanent license revocation.

The bill proposes to toughen these penalties to include a minimum seven days if jail time is recommended and \$200 fine for first offense; 30 days if jail time is recommended and \$500 for a second offense; and three months if jail time is recommended and \$500 for a third offense. It also would make jail sentences a mandatory condition of probation on second and third offenses.

LB1111e also includes provisions to prevent mandatory sentences from being served only one or two days at a time, such as weekends; and make it a separate crime to create risk or do harm to others while DWI.

The bill also would prohibit issuance of a license if the previous license was suspended in another state, reduce the current lifetime license revocation to a 10-year revocation, and make driving on a suspended license a class IV felony.

Fighting for the right

College students can be a force in elections, said the national chairman of The Young Americans for Freedom Political Action Committee.

Terrell Cannon said that although college students have this political potential, they frequently neglect it.

At a press conference Monday at the Nebraska Union, Cannon said his group will choose five people to recruit and lead hundreds of volunteers in the re-election campaign of Sen. Roger Jepsen of Iowa.

To recruit volunteers, Cannon said, YAF will launch a nationwide campaign to find young conservatives who are not registered to vote. The YAF calls the campaign Project 1 Million.

The five leaders will be recruited from Nebraska and Kansas YAF activists, Cannon said.

Sen. Jepsen's campaign received priority for a number of reasons, Cannon said. Jepsen's position as a key supporter of President Reagan makes the race crucial. YAF has a strong stake in Iowa through members employed by various public officials, he said. Jepsen's voting record also is important to YAF.

"Jepsen has a record of voting 95 percent conservative," Cannon said.

Jepsen's district is located across the river from Omaha.

The purpose of YAF is to make young conservatives articulate leaders, Cannon said.

YAF has 70 members on the UNL campus, he said. The group meets once a month, sponsoring speakers as well as staging petition campaigns. YAF was formed at UNL in the mid-'70s.

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