

maintain so that I guess if a person is caught in drunk driving in a first time situation, they are given a second opportunity. The second opportunity we have made it quite severe in allowing imprisonment and jail...and a bigger fine. I would oppose this because it gets away from our basic type of penalty system and only on those grounds would I oppose it.

PRESIDENT: Senator Venditte.

SENATOR VENDITTE: Well Senator Barnett, Mr. President and members of the Legislature. Senator Barnett, I don't think you are speaking to the amendment. I think that you are misinforming the members of this body. I just want to clarify what you have just said. In my amendment, Senator Barnett, I think you have informed the body that there would be a mandatory jail sentence. Now, is that true, Senator Barnett? Is there a mandatory jail sentence? Thank you. There is no mandatory jail sentence for first offense drunken driving. That we do have seven days. That would be the maximum. If the judge thought that it would be in the best interest of that person to go to jail, fine, it is up to the discretion of the judge. I, and, Senator Barnett, current law says that first offense is three months in jail. Do you know a judge here in Lancaster County who would sentence someone today to jail, or who has sentenced someone to jail for a first offense, drunken driving? Do you know of a judge who has done that?

SENATOR BARNETT: Yes, not that I know of. I don't think that they would.

SENATOR VENDITTE: That is right, Senator, and I don't think they would either.

SENATOR BARNETT: I don't think that they would, and I don't think they will.

SENATOR VENDITTE: Well, now that is not for us to decide, Senator. I just simply wanted to clarify that to the body. There is no mandatory jail sentence first offense drunken driving. We do say though that if the judge wants to put this person behind bars, we will give him that chance, but with the re-write in the criminal code, you are not giving the judge that latitude. With my amendment you are at least giving the judge the option to either put the fine on the drunken driver or send him to jail. In my opinion, I think there are instances where that person should be sent to jail. I...you know I would hope that this body would so move.

PRESIDENT: Do you want to be recognized?

SENATOR BARNETTE: Is he closing?

PRESIDENT: No.

SENATOR BARNETT: Just for a point of clarification. I'm going to....I hope to get the body's attention, just because I oppose the motion doesn't mean that it is not worth you adopting if you can get the votes to do it. I'm not going to argue that. But I don't want to mislead the body as you said I might be doing. What we are going to do with your amendment is we are going to add jail time of up to seven days. Up to seven days. That means