

to have a revocation of one year, but in that first offense period to go above and beyond the criminal penalties I feel is too harsh. I prefer to see an amendment, and I would like to see one adopted or drafted which would at least provide for that first offense to have that six-month period. But to me it goes against our criminal society, it goes against my basic philosophy that we would have an administrative branch imposing a greater penalty than the criminal branch would provide. Now we have spent years and years fine-tuning the DWI laws and I think that it is better handled in the criminal branch anyway, but to provide for a higher penalty under the administrative branch, I feel just is not proper. So with that, I will probably be supporting Senator Hall's motion to reject the committee amendments unless a compromise is placed before us. Thank you.

PRESIDENT: Thank you. Senator Wesely, please, then Senator Lamb.

SENATOR WESELY: Thank you. Mr. President, members, this amendment from the committee came about as the result of efforts on my behalf in the committee to see that the implied consent issue was brought to the Legislature. This issue was brought before the body last year as Senator Hall indicated and narrowly was defeated on a 24 to 18 vote, I believe, toward the end of the session. Interesting enough, Senator Abboud, you voted twice for the amendment last year. I don't know what changed your mind in the meantime, but if you are indeed concerned about drunk drivers, you should support this effort and why is simple, although Senator Abboud may not understand. The point of the matter, we are trying to encourage people to take the test, and you do not want the same level of penalty under the implied consent as you want for a drunk driving conviction because of the factor that the implied consent makes it more difficult, if you refuse to get tested it makes it more difficult to come in and convict that person of drunk driving, which then leads to the additional conviction penalties. If you have one, two, three convictions, you have an increased penalty that occurs, so the smart person out there says, well, the way to get around this thing is just to...you know you are drunk, you know you are driving while you are drunk, you take the implied consent and don't take the test. It is difficult for them to prove that you are drunk and driving, thus, you do get the six-month suspension under the current law, but that is a whole lot better than getting a six-month suspension and a jail term under the