

Well, the question I really have is this, is whether or not that provision may have some constitutional infirmities solely because the seizure of that vehicle turns on who happens to own the automobile as opposed to who happens to be driving the automobile. In other words, if a young man is driving a car that is in his name, the car can be held and later disposed of. If a young man is driving a car that is in his name and his wife's name, it can't be so held. If a young man is driving a car in his parent's name, it can't be so held. It seems to me there may be...but in each instance, in each instance, the young man is driving the car to flee arrest. Is there some logical basis to distinguish the one from the other?

SENATOR DeCAMP: I originally had it the other way so that the equity of anybody not involved would be protected but that any vehicle could be seized until the court made a disposition of it. That was changed after some recommendations by some law enforcement and some other people. I will check that out and if that needs to be changed back again, I would attempt to do that on Select File.

SENATOR V. JOHNSON: Okay. Thank you, Senator DeCamp. The only question I have is this, and this is kind of a policy question, I notice that one of the things that the committee amendment would do would be to increase the time that a young person's...that any person's driver's license is suspended from one year, which apparently is the present penalty, to two years. Now it may be well and good to increase the penalty but it seems to me that the fact that we make it even more difficult on an individual who is fleeing arrest will cause him to speed even more so he doesn't get caught because he knows if he gets caught this time he is going to lose his license for two years as opposed to one year. In fact increasing penalties on the fleeing driver may be the wrong way to go with this kind of legislation, would that not be correct?

SENATOR DeCAMP: No, I disagree completely and the present penalty is not one year, it is the possibility of one year. Court evidence indicates they are not using that. This is a mandatory two year. If we accept your argument, we accept this argument then also. Murderers receiving severe penalties only encourage them then to murder all the witnesses and murder more people. We can pick almost any extreme. You have to have a system of swift, effective known deterrent that is not in anyway capricious. This is not capricious because it is going to apply to everybody the same, and if they are going to be getting a license in this state, for example, they are going to know that. I think that is a deterrent.