

with Senator Beutler's amendment I am going to make a motion again to strike that provision altogether. It is an abomination.

SENATOR CLARK: Your time is up, thank you. Senator Beutler, do you wish to close?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, the proposed amendment is really a modest amendment. I hope you will take to heart what has been said by Senator Chambers and the best evidence arguments put forth by Senator Landis because the further we get away from the best evidence the more likelihood there is of fraud and the more likelihood there is of uneven or the non or injustice being the result of our judicial proceedings. But let me suggest to you that by encouraging county attorneys to carelessly use photographs that what you are going to see happen are a couple of things and the result may be worse than...may be considerably worse than what is happening now. You may see that defense attorneys will come in and contest the foundation being laid for the photograph, contesting that it does not reflect the article that was actually allegedly stolen and if they are not able to properly lay their foundation, then the photograph will be thrown out and then if the actual article is not there to be submitted into evidence, the whole case may be thrown out. And you may see some people who are actually guilty of getting off. The other thing you may see happening is defense attorneys coming in with the argument that it is unconstitutional, unconstitutional because they have not had an opportunity to inspect the actual argument or the actual stolen property. So I am just suggesting to you that the whole procedure is going to cause more problems than it solves. It is hard for me to imagine that any one store in any one county has more than...and there was no evidence of this on the floor of the Legislature, has more than a couple of articles that are being held for any period of time. So I am not sure that there is any reason for the change in the law in the first place. But in the second place, I suggest to you that the bad results may well outweigh the intended benefits of this kind of a change. Thank you.

SENATOR CLARK: The question is the adoption of the Beutler amendment. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? Record the vote. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would like to request a Call of the House and a roll call vote please.