

SENATOR WARNER: Mr. President, members of the Legislature, when I first came to this body I was told that timing is everything and this is bad timing. (laughter) The motion I have filed will strike from the bill an amendment that was adopted the other day that permits a deposition to be granted, I believe, as I understand, by a judge to be taken by someone who is charged with DWI. As it was brought to me, it was brought on a couple of bases. The first basis and my first conversations on this bill, or on this amendment, was with Lancaster County Attorney, County Attorney's Office, but the first concern that they expressed was one of cost, and I assume they thought that might appeal to me. And I can understand that in the event, and it wouldn't necessarily happen, but I can understand that if there are many times that a deposition is to be granted and has to be done that this takes, obviously will take the time on the part of law enforcement personnel, the police officers, the county attorney who has to be there, others who might be involved in the proceedings that was appropriate to take a deposition, and this could obviously tie up the officer's time. I was reading, because there is a bill that was the same, as I understood that...as this amendment when it was attached to 799. As I recall from reading some of the material from Omaha, for example, that most of the arrests occurred between 4:00 p.m. and 7:00 a.m. in the morning, so it is mostly night shifts, and that most of the time I gather that these depositions are most likely to be taken between eight and five in the day, 8:00 a.m. to 5:00 p.m., so you're bringing in officers on their on off duty time usually. I know in Lincoln's case where they are brought in on their off duty time, under their negotiated contracts they have a minimum of four hours for which they need to be paid. One can make a case, most certainly, that it adds to the overload of work for those on the law enforcement side or increases the cost because of additional people that may be needed. But it seemed to me that there also had to be other reasons than just a cost factor, obviously, and it seems to me that there are. As I understood this, and I freely admit I'm in an area that I'm not an expert in, but as I understood the amendment that permitted the deposition as in the case of a misdemeanor which I'm not aware where that, or at least I am told that in other like cases that would not, is currently not necessary. And while I find it hard to argue that it's necessary in a case of DWI when in some other areas, unless, of course, unless, of course, the purpose is to provide another tool for delay which is, in fact, is the history, another tool