

for delay in order to make it less likely for the person able to be charged. And then I can see the benefit of the deposition. I'm told, at least in Lancaster County, that all of the information, entire files, are provided to the defense attorneys and to the individual so every bit of information that is going to be used is available for them to know, and it seems that that is or ought to be more than adequate to provide the defense with the necessary information that might be needed. It is my belief that this amendment ought to be taken off that was attached. I understand at some places in this state it is done as a matter of fact, probably where the load is lighter, but maybe they have fewer people but nevertheless, it comes out the same, but in the more populated areas then it becomes, in my opinion, another tool to utilize to avoid prosecution and to delay it. I think it's unnecessary, inappropriate and I would urge that you support an amendment to strike a provision that a deposition may be given by the judge in every DWI because I think the odds are that it will be misused far more than any other thing.

SPEAKER BARRETT: For purposes of discussion, the Chair recognizes Senator Hall, followed by Senators Hartnett and Lindsay.

SENATOR HALL: Thank you, Mr. President and members, I rise to oppose Senator Warner's amendment and the reason for that is, is that if you read the amendment, if you read what was adopted on General File with regard to the provision that allows for the deposition to be taken, what you see is that it is not mandatory that the deposition be taken, that the court may allow for that to take place. The court may allow for that to happen. Throughout the two pages of the section, the court may order the taking of the deposition when it finds the testimony of the witnesses to fall within four different criteria...excuse me, two different criteria, if the material is relevant to the issue and if the assistants to the party in preparation of their respective cases that falls in either one of those categories. And then they have to allow the order, it will include the time and place, it will be the proceedings, it will also take into effect that it only can be used solely against that individual when they are a witness in the case that they took the deposition on, the deponent. Ladies and gentlemen, all it says is that if you are going to let one individual, and this is exactly what 799 does, if you're going to let one individual be judge and jury, not only judge and jury, but accuser, judge and jury, and that's exactly what happens when you say we're going