

to revoke that individual's license on the spot, that individual who does that, patrolman, officer, whatever, and I firmly believe they use good judgment. But it doesn't always happen. When you allow them to be judge and jury, they ought to be able to answer questions as to why they feel they made that decision, and that's all a deposition is. And, again, it is not something that is mandatory, it is something that the judge may let the defense use, may. That's the key word here, ladies and gentlemen. It is not an issue that is forced on the court. The court won't have it forced on them and they don't, and in this case if they feel that those depositions are nothing more than delay tactics, I guarantee you the judges will say we're not going to allow it to happen, we're not going to do it. We are not going to provide the ability for you to delay. It just isn't going to happen. What is wrong with allowing an individual who is defending themselves to basically, through their attorney, ask their accuser what happened and why they made that decision? What is wrong with that? Where does that strike against any other ability we have in our judicial system to face your accuser? This is by far one of the things in the bill that at least allows for some fairness, and it allows it only if the court says it's necessary and appropriate. Then they may allow for that deposition to take place. They establish where and when, they establish that it can only be used when that deponent is a witness in the case. It is clearly safeguarded. It is clearly not mandatory. It is clearly something that says you can't misuse it. There is no way the way it is drafted it can be misused unless the court itself allows for it to be misused.

SPEAKER BARRETT: One minute.

SENATOR HALL: And if what we're saying here by striking it is that the court itself will misuse this deposition provision, then I guess, ladies and gentlemen, there is nothing that we can pass as a law that, in this area, that we can bind the court to, ever. Our argument then, I guess, if you adopt the Warner amendment, is that we can't trust the court. I don't believe that. I don't believe the court is going to clog their own system. I don't believe the court is going to let attorneys use the deposition as a delay tactic. It won't happen. They can't afford it. As Senator Warner clearly pointed out, it currently happens in other parts of the state. It doesn't happen in Lincoln and Omaha and all it does boil down to is money, time and money. They don't want to spend the time and money to give