

the individual who is accused an opportunity to ask some questions, take a deposition which would save possibly a trial, if it got that far, down the road.

SPEAKER BARRETT: Time.

SENATOR HALL: That's where the real money is.

SPEAKER BARRETT: Thank you. Senator Wehrbein announces the fact that he has 30 fourth graders in our south balcony from Weeping Water, Nebraska, with their teacher. Would you folks please wave and be recognized by the Legislature. Thank you. We're pleased to have you. Discussion on the Warner amendment, Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker and members of the body, I rise to oppose this amendment. This bill was heard, was LB 1042 which was heard by the Judiciary Committee this year, was advanced to General File with seven favorable votes and no negative votes. And like Senator Hall has said, is simply permissive legislation. The courts may request, the courts may order the taking of deposition. It doesn't require, it does not require, simply permissive. It also allows both sides to take deposition, not one side, allows both the prosecution and the defense to take it. And I think different than Senator Warner, that it probably has very limited application. Probably the only time it will be called is if there is a question about the chemical test as the testimony was given on the bill in favor of the proponents of the bill. And like Senator Hall said, it would provide statewide uniformity. Some counties allow this right at the time, and so it really makes a difference where you're at in the particular state whether you get the same treatment, that's all it would do. And rather than increase the cost, as Senator Warner says, I think it would cut down the cost. Some of this can be done ahead of time. If a deposition is taken, the only thing it requires is attorneys and the witness, and I think that you will not call the policeman because you know where he stands on the particular thing, so I think rather than it may drop a court case, so I really think that it would save the cities' money and the counties' money, and this is a serious crime. DWI is a serious crime. Could be prison, conviction, could be imprisonment and loss of driver's license and so with this reason I simply rise to oppose this amendment.