

SPEAKER BARRETT: Thank you. Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. President, I'd like to address some of the issues that are brought forth in this amendment, just from my experience handling some, I guess not only DWIs, but some other cases, too. First, we talk about the question of delays and continuances and all that, believe me, if this bill passes there is apparently no incentive for these continuances, this is going to correct that. By taking away their licenses, people are going to want to go to trial right away, so I don't think that is valid if we intend to pass the bill. More importantly, we're not going to have this big rash of depositions because depositions, pure and simple, cost money. You've got to pay the attorney to go take the deposition, you've got to pay a court reporter to go take the deposition, you've got to pay for the transcript. If you're taking a deposition of an expert, you've got to pay for that expert's time. You really can't take an expert's deposition in a case like this, I wouldn't think, for under 500 bucks. So people aren't just going to be doing it left and right. We're not going to eat up all that time of these police officers as has been said because it costs the defendant, and unless the defendant has a great deal at stake, they have to gauge...the attorney has to gauge whether or not it is going to do any good. But we have to have that right available in those cases where it is going to do some good. Trial by ambush has been over a long time ago. We don't throw people in jail because people hid information from them before they went to trial. It just doesn't happen. Well, in that frame of mind, and I'm not saying that this would put trial by ambush back in, but I am saying that depositions are accepted in serious crimes. I think we run into a little logical problem here, that if we take away the rights to deposition, we are by implication saying DWI is not serious. It is not serious enough to warrant some of these protections. I think it is a serious crime. I'm not arguing against that. We should get drunk drivers off the road, but we shouldn't strip away rights and we shouldn't make it easier to prove the case for the state and things like that just to do that, we still have to defend the individual's rights. Number two, Senator Warner has mentioned that you can get the information, that the prosecutor's office will share all the information with you, and I have...I've had cases down here on that type of a case and the city prosecutor has provided me copies of that information. That doesn't happen everywhere and I can guarantee you it doesn't happen in Omaha. In Omaha in the city prosecutor's office, you are entitled to