

see the information. You're not entitled to photocopy it. You're not entitled to have them photocopy it for you and pay for it. You're entitled to look at it there in their office and take notes. You can dictate from it if you'd like but it doesn't allow you to really check it out because that's all you're doing is dictating it. You can glance at it a little bit. If you're there near closing time, you're going to watch it until they're ready to go. The information is not available everywhere. It is in Lancaster County, it isn't in Douglas County and I would venture to guess that the bulk of the DWIs are back in Douglas County. I think we're going to have a windfall here for the state and its political subdivisions today. They're already going to get \$500,000 from the federal government, but not only that, we're going to save some time on overtime for police. We're just making a killing and all we have to do is give up a few rights. It just seems to me that when it rains it pours and we're coming down a little bit too hard I think. Let's allow it, let's allow depositions to be taken in these cases because I think these fears are unjustified. You don't use depositions to delay it. If you're really into delaying a case, that's not the way you do it. Depositions cost too much money. These depositions are used, I mentioned earlier, the Intoxilyzer has erroneous readings quite often because of the way it is used. You need an expert to prove that.

SPEAKER BARRETT: One minute.

SENATOR LINDSAY: The expert witness, you have to depose in order to know how the testimony is going to come out. You have to depose the state's expert witness and what we're not reading in here is that the state is entitled to depose the defendant's expert. This does work both ways, and I think, as Senator Hartnett and Senator Hall have suggested, it's permissive. This is not a mandatory thing. Every case you're not entitled to take depositions. You have to go to the judge and say, can I take a deposition? And, if it's used for the purpose of continuing a case or of delaying a case, the judge is going to say, no, you had the opportunity to take that earlier, you should have taken it then; we're going to go to trial as scheduled. This will not result in delays, it will not result in these increased costs. It will only result in stripping away the ability to prepare adequately to defend somebody against what is potentially a career-ending, or at least life-disrupting conviction. I'd urge that the amendment be rejected.