

SPEAKER BARRETT: Thank you. Senator Lamb, followed... Question has been called. Do I see five hands? I do. Shall debate now cease? All in favor vote aye, opposed nay. Please record.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate has ceased. Senator Warner, to close.

SENATOR WARNER: Well, Mr. President, members of the Legislature, I'd urge that you would adopt the amendment. The argument was put forth that this is only permissive, which it is probably the misleading part of it. It's misleading because at least it's been suggested to me, and I obviously have never been in court or as an attorney, but I am told that it's rather routine to have a deposition, if you request it. It's routine for a court to grant it, so that it becomes available, even if it's not needed, and maybe it's only one of price, if you can afford it, as suggested, you buy it. Of course there is another high percentage of fees, might be public defender's case, which you'd probably pay for it on both sides then, not that it should be denied because it's a public defender case, but certainly there would be possibility there it would seem to me. We know that law enforcement is probably understaffed, and underfinanced, and overworked now. And if this additional time, and I'm convinced it is primarily for the purpose of delay, if this additional time and expense is to be eaten up, all it means is you do not have law enforcement on the street, or you do not have the lab technician doing the work, or the others who might have been involved in it. Now, if it's true that the number of successful have substantial... that the number of DWI have been successful it's substantially increased, then I would begin to wonder if this amendment wouldn't be a way to help bring them back down to the old number as another gimmick to be used. And then there really is a very serious question is why pick out DWI and not any other series of misdemeanors that are also serious, certainly serious for the person involved? And you can't come up with the rationale to pick out DWI as the only one to pick out, you just simply cannot do it, with the exception, of course, if it's to be utilized for delay then you certainly can. Knowing that a lot of times just because of time maybe the deposition won't be able to be done, it will be stays and continuances, there is no doubt about that. If there's anything that makes the public angry it's the constant delays which constantly occur, and the courts always grant, virtually. All