

are people who have been locked up and these cases occur on such a regular basis that I've kept a file on these instances. They have been imprisoned falsely because they were innocent; yet people will say you went through a trial, you had a jury of your peers, you had a judge making rulings on the law, you were convicted, you were sentenced pursuant to the law, and you were given due process, yet the person found guilty was, in fact, innocent. So there is no need in our adopting the head-in-the-sand attitude that because we put some of these words in place in the law it means that what is appropriate is what always will be done. What Senator Lindsay is doing is saying that since you, as a Legislature, are putting such vast sweeping power to harm a person's ability to earn a living, or to keep his or her credit and good name intact, the individual or individuals who make a decision and make it inappropriately will have liability to face. The very fact that all of these so-called due process guarantees are in the bill would make it even more reprehensible, even more culpable for an individual to make an inappropriate finding. So all of these steps will have been gone through. If they have not been gone through, certainly liability should attach. But the steps are gone through, and the person makes an erroneous finding of delinquency when none, in fact, exists. We are...we should, anyway, we should locate the individual by title who will be making these determinations and let that person know that liability is going to attach, if an inappropriate finding is reached as a result of which somebody's license is suspended and damage is suffered. Remember, we are talking, in this instance, about somebody who has not violated the law, who has not violated a support order, who is as clean and innocent as, in this instance, as a newborn babe who has been freshly bathed. Why are we unwilling to say that a person...

**SPEAKER WITHEM:** One minute

**SENATOR CHAMBERS:** ...who is innocent should have recourse if treated by the state machinery as though guilty? That's what Senator Lindsay is bringing to us in the form of his amendment as an issue which we need to discuss. I think Senator Bromm and Senator Beutler made worthwhile comments of substance. We do need to zero in on who the person or persons would be, and perhaps we need to put some reference to negligence, so that a person is not going to be made liable if he or she has done everything under the circumstances, which a person so situated could do, in order to avoid making one of these egregious