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officer or officers involved in the incident investigating its own officers, and in a sense itself. I have to correct Senator Bourne on one thing, the special prosecutor is appointed by the court. The court is really the one in charge of the grand jury. A request is made to the court to appoint a special prosecutor,...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...and then the court can or it may not. The prosecutor can request that a different law enforcement agency come in to investigate, without going to the court for that. I think what Senator Bourne raised is a question, but it's not one of practical import or impact, because you must keep in mind this bill deals only with the types of killings that are specified by the terms of the law.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. President, members of the body. I'll support the motion to return, but I'm not sure what I'm going to do on Senator Chambers' amendment. I do recognize that Senator Chambers is addressing an important issue. And, in general, I think he's onto the right approach. A death while a person is either in custody or is being pursued, although I'm not sure what being apprehended means, I don't know...there are...there are words in this amendment that I'm not quite sure about what their application is going to be. Now, if, while being apprehended, and I understand that's existing language, so maybe Senator Chambers or others can tell me by example what that means. But being apprehended, does that mean that you are in view of an officer and they have cried out to stop, for example? Does that mean that an officer is following a car and the car has an automobile accident and one or more of the persons in the automobile is injured and dies? The officer, at that point, wouldn't have known who was in the car, wouldn't have known whether or not that is someone that they wanted actually to take into custody; is that person being apprehended? I've spoken to Senator Brashear. I was initially concerned about the language that appears on line 5 and line 6 that requires officers to secure the scene, preserve all evidence,