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FLOOR DEBATE

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that, but they do...the court finds that the defendant is not guilty. Even if the court, after all of the evidence and a full-blown trial, finds the defendant not guilty, or if there should be a jury trial and the jury finds the defendant not guilty, the person is treated as though he or she is guilty. And if your driver's license had been taken and revoked pursuant to this administrative process, you would have to pay money to get your license reinstated, even though the court exonerated you. The court said, under the law, this person did nothing wrong. Under the law, this person should not have been arrested. Under the law, this person should suffer no punishment, because the only time punishment can be inflicted, under the rules of this republic, is if the rules according to which a person can be punished have been followed. The state cannot punish unless these rules have been followed. These rules have not been met, so the state cannot punish. But under this statute, if this language remains stricken as they're proposing, you will be made to pay to...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...reinstate a license that should not have been revoked in the first place. Doesn't that strike you somehow as being unjust? It would be like Senator Friend...now, he believes in the law. He has relatives who are law enforcement officers. So even though he may not be technically trained in the law, he believes in the law. And although not trained in the law and not a lawyer, he knows when the court says, not guilty, the judge cannot immediately say, Senator Friend, you're not guilty; \$100 fine. Senator Friend would say, hold on, judge, you cannot fine me if I'm not guilty. And the judge would say, by God, Friend, you caught me. You're right. If...a fine is a punishment for a violation of the law. You cannot be held to have violated the law unless there's a finding of guilt. Since the court found you not guilty, it means you did not follow...you did not violate the law, and the condition on which a fine is based is not present.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: You cannot be fined. But this that is being