

delaying tactics that we have in this body, and I assure those of you that are doing it that it works two ways and before we are through you may be sorry. Thank you.

SPEAKER MARVEL: Senator Kelly and then Senator Koch.

SENATOR KELLY: Mr. Speaker, I would respectfully call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate ceases. The Chair recognizes... who is closing, Senator Hoagland? Okay, Senator Hoagland to close on the DeCamp-Hoagland-Johnson amendment.

SENATOR HOAGLAND: I would just like to present a few brief remarks, Mr. Speaker, in closing on this motion. I beg to differ with Senator Kahle. We have not introduced this amendment for purposes of delay. Senator Johnson and DeCamp and I all voted in favor of the motion to cease debate which I think illustrates that. We want to keep this brief and keep it quick and we want to call this very difficult problem to the attention of the Legislature to see if we can't have this provision repealed as it should be. Now I learned about this provision in November when I was informed by another lawyer who had another completely different case than Mr. Respeliers' case about the gross inequity that this particular provision applies on families in situations where the family car is seized. In that particular case, the family car was impounded for over two months while the case was being resolved in the court, and the family per se had nothing to do with the transgression of one of the minors who was driving the automobile that had liquor in it when he was arrested. Now let me just make a couple of points about the general theories of the criminal law and why this kind of provision is really senseless in trying to accomplish the objectives of the criminal law. Normally we enact criminal provisions basically for two reasons. The first is to deter wrongdoing and the second is to punish. Now this particular provision requiring an impoundment of vehicles when a minor is caught with alcohol in the vehicle doesn't really deter the violation of the law because nobody knows about it. What people know is that if a minor is caught with alcohol in a car and he is illegally possessing, only he is subject to punishment