

DELEGATE KIEFER: It does not change the present situation.

DELEGATE J. CLARK (presiding): Delegate Carson.

DELEGATE CARSON: One further question in another area. I take it you have no language whatsoever with regard to grand jury presentment being required.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: That shows up in Recommendation No. 2, which is not before us at the moment.

DELEGATE CARSON: Thank you.

DELEGATE J. CLARK (presiding): Are there any further questions on section 5? The Chair recognizes Delegate Child.

DELEGATE CHILD: In section 5, subsection B, that section refers to bail for an accused, does it not?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Yes, sir.

DELEGATE J. CLARK (presiding): Delegate Child.

DELEGATE CHILD: Now, if you will turn over to section 8, on page 4, line 3, the first words "excessive bail shall not be required," that also refers to bail, does it not?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Yes, sir, that is true, but it is a more inclusive or encompassing term than that set forth in 5(B); 5(B) refers only to situations prior to trial, and the other language refers to bail under post-convictions as well as before trial.

DELEGATE J. CLARK (presiding): Delegate Child.

DELEGATE CHILD: Is there anything to prevent any statute being made under section 8 that you could not do under this section 5?

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Bothe. For what purpose does she rise?

DELEGATE BOTHE: I rise perhaps on a point of parliamentary order, perhaps to answer Judge Child's question.

Judge Child has filed a minority report dealing with this issue. The majority report

answers differently than our Chairman just has to the questions, or one question which Judge Child has addressed which has been answered.

The second part of our proposed section 5 does not deal with bail except as an incidental. It deals with the subject of pre-trial release.

I believe the report of Judge Child and others in the minority report contends that this section is superfluous. This Committee will hear debate, pro and con, on that section, and I suggest that it is improper for Judge Child at this juncture to ask the Chair what the Committee meant when the subject in dispute will be up for discussion before this group at the proper time.

DELEGATE J. CLARK (presiding): Delegate Child.

DELEGATE CHILD: I will accept that, with the understanding that mine is a majority report, although it is filed as a minority report.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Henderson.

DELEGATE HENDERSON: Delegate Kiefer, was your Committee aware, in adopting the absolute requirement of twelve for the jury and unanimous verdict, and requiring in civil procedure a unanimous verdict, that there are no less than twenty-nine states which permit variations on that theme, either permit less than a unanimous verdict in both civil and criminal cases, or permit a jury of less than twelve in certain cases?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Yes, sir, we were aware of it.

DELEGATE J. CLARK (presiding): Are there any further questions on this section? The Chair recognizes Delegate Grant.

DELEGATE GRANT: I have one further question on section 3. It is just a short one, I think.

DELEGATE J. CLARK (presiding): Well, go ahead, Delegate Grant.

DELEGATE GRANT: In section 3, where you speak of deprivation of life, liberty or property, by "property" or "liberty", did you intend to include licenses and privileges granted by the State, such as drivers' licenses?

DELEGATE J. CLARK (presiding): Delegate Kiefer.