

Are you ready for the question?

DELEGATE HARDWICKE: Mr. Chairman.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, I would have to disagree with the Chair on that particular instruction, because it seems to me that that is a substantive change.

You say in line 15 and 16 that the accused shall be entitled to release pending trial, and if you are going to construe the terms under which he shall be held responsible to appear at the trial—

THE CHAIRMAN: If there is the slightest question about the matter of interpretation, I think it should be taken care of by amendment. Therefore we will disregard the instruction to the Committee on Style and suggest if the amendment now before you is defeated, that the proper amendment be submitted to make the clarifying change.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Mr. Chairman, I am a bit confused by this. I would like to ask the Chairman of the Committee a question.

THE CHAIRMAN: The time for debate has expired. State your question, and maybe we can dispose of it.

DELEGATE SCHNEIDER: This talks about release and guarantees the accused release providing he meet such requirements as necessary to secure his appearance before the court.

Now, how can one of the requirements be that he be incarcerated?

THE CHAIRMAN: This will arise on the subsequent amendment.

DELEGATE SCHNEIDER: You cannot be released and incarcerated at the same time.

THE CHAIRMAN: The time for debate has expired. The Chair has told the Committee on Style to disregard the comment that the intent on this section is that "other terms" includes incarceration.

This will be the subject of another amendment which will be debated fully.

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 12. A vote Aye is a vote in

favor of the amendment; a vote No is a vote against.

The Clerk will ring the quorum bell.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 73 votes in the affirmative and 51 in the negative, the motion is carried and the amendment is adopted.

Delegate Bamberger, your amendment AB, I assume is no longer before us?

Delegate Grant, I take it you do not any longer desire to have your amendment AJ?

DELEGATE GRANT: A point of parliamentary inquiry, Mr. Chairman.

Would it be possible to change that amendment to reinstate the section which was just deleted but adding those words to it?

THE CHAIRMAN: No, you could move for reconsideration and indicate your intention that you would intend to offer this as an amendment to the amendment or substitute for the amendment.

DELEGATE GRANT: In view of that, then, I think I would proceed with the question of reconsideration and state the reason.

THE CHAIRMAN: Do you want to do that now or later?

DELEGATE GRANT: I would like to do it now and dispose of it while it is still fresh in the mind of the Committee of the Whole.

I would like to have the Amendment AJ distributed prior to that.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, this is an inquiry. I do not know whether it is a parliamentary one.

I would like to have the Chair clarify if one can, how "one shall be released" can be amended to be "shall be retained"? In other words, as I understand the Chair's reference to the Committee on Style—

THE CHAIRMAN: That was stricken. After Delegate Hardwicke's comment, the Chair instructed the Committee on Style to disregard what the Chair had said and indicated that the question would arise on an amendment to be submitted if the pending amendment was lost.