

his job is still intact because he is in a position where, whether what he purchases is a controlled substance or not, he has made a buy. The person alleged to have made the sale is guilty of a felony whether it was a controlled substance or not. So on the one hand the agent can steal money then substitute a noncontrolled substance for a controlled substance and still get the individual on a class 4 felony. I do not think this provision assists in cutting down the drug traffic, but I think it opens the way for abuses. There is no just cause for it. I think it ought to be taken out of the statute. That is the purpose of the amendment, pure and simple, to remove an area which has been abused, will continue to be abused and is an actual incentive to disreputable people to steal and cut corners. The Patrol said that you can't go to the choir to get snitches, so they get convicted felons. A lot of them have been dope pushers and users at the time they were working for the Patrol, and they were engaging in illegal activity. I was told on the telephone by a prosecutor, in one of the outstate counties, that he did not file charges against one of these agents who he knew was violating the drug laws because he was working for us. I said "Was he doing anything different from those you prosecuted?" "No". "So it's alright for him to violate the law if he works for you?" I mean he was using dope and distributing it in contravention of the law, not to make arrests or obtain evidence. But he was a criminal on the right side of the law. How do you think that these young people, you're supposed to be teaching a lesson and deterring from crime, feel when they see the one that you're using for this purpose doing the same things they're doing, and not only not suffering for it, but making money from it, money from the state? If you take out this provision then you don't hinder genuine drug enforcement, but you take away an area of abuse by informants and others who work for the law in a lawless fashion. If you have any questions I'll answer them. If you want to look at the records of the hearing on the Judiciary Committee, that might be a good thing to do. Much reference has been made to that study. I think it might be good for you to look at some of the documentation from court records, some of the information derived from polygraphs of these agents, admissions that had to be made in court by those who are speaking in behalf of the State Patrol because the evidence that these guys were violating the law, these guys--when I say that term I mean who worked for the State Patrol, were in violation of the law, that the Patrol had to acknowledge it and the prosecutor, in some cases, had to dismiss charges. I ask you to seriously consider this matter and strike it from L.W.

SENATOR MARVEL: Chair recognizes Senator Schmit, then Senator Fowler, then Senator Kelly. Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature. As Senator Chambers always does, the instances he has recounted are actual, factual, and I would not disagree with what he has said in regard to the possibility of abuse occurring by an improper individual employed by the Patrol or any other law enforcement agency. I would have to object to his amendment based upon these reasons--the people that are in the business of selling drugs are not all honorable, honest, sincere, dedicated individuals either. They are individuals who are dedicated to making money. They are sometimes called upon for products which they do not have, but because they see the opportunity to make money they will counterfeit a product and