

out of their car window happens to be a paraplegic and the assignment is that the paraplegic shall clean up a block of some area where there is also other litter. This would probably not be a reasonable amendment under those circumstances. Or, if a person has just broken their leg and is in a leg cast. There are so many exceptions that come to mind that I would hesitate very much adding this type of amendment. But, perhaps that wasn't the intent. Perhaps the intent was for Senator Lewis to simply kill 114. I do not know.

SENATOR MARVEL: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature. Some of the concerns that have been expressed by Senator Marsh are some of the concerns that I might have. I know that Senator Lewis is offering this measure in good faith and I personally believe with him that the concept is a good one. Although, I feel there are exceptions that have to be granted and I think Senator Marsh has touched on some of those. The person that is incapacitated, perhaps they are elderly, they would be unable to do this. So, the only problem that I have with the amendment is that it provides for no latitude at all on the part of the sentencing judge and for these reasons that have been stated, I'm afraid that I would have to oppose Senator Lewis' amendment. Thank you.

SENATOR MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, Senators Marsh and Stoney have told exactly what is wrong with this bill. They want to leave exceptions and loopholes, they want to leave it where only the young or the unpopular or those to be humiliated will be made subject to this. Let the wealthy out of it. Let the senators out of it. Let the judges out of it. If you think that young people are the only ones that litter, why did we read not too many weeks ago that there were cockroaches in the Chamber and throughout the Capitol because of the litter of the senators? Now, what police officer or judge is going to snatch a senator and make the senator pick up paper out on a road when they don't pick up litter in the Chamber? We are dealing with a law which imposes a penalty. When you have a law a violation of which imposes a penalty then you are talking about criminal conduct. But, Senator Stoney and Senator Marsh perhaps without intending it are carrying out the usual function of the legislature who sees its responsibility as setting up categories and groups of people who are to be exempted from the bad operations of the law. Exempt the paraplegic which I don't think has to be written into a bill like this. Because if you had a bill that said a person who violates such and such a law has to run ten miles and the person has but one lung and one leg no judge would sentence that person to do that. They would find a different method of punishment just in this situation as they would in that. They will suspend sentences. They will dismiss charges. Prosecutors will not prosecute. The bill is poor and it can not accomplish what they are talking about accomplishing but it is a vehicle for great harassment. It can teach a very low regard and disrespect for the law. The legislature enacts these laws and then forgets about them. But, there are policemen out there that don't forget them and they see them as handy tools