

because next session is the short one, and we will have carry-over bills, and try to do away with this entire program. The main problem that had to be surmounted of a constitutional nature is the requirement or the prohibition against anybody being jailed for a debt. To get around jailing a person for a debt, the Legislature had to work with the merchants to come up with a way to use the criminal law to enforce collection of this private debt with the threat of imprisonment while not violating the Constitution. So they put in place a law that originally required the writing of a check where you knew the funds were not there to pay it, but you also had to have...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...the specific intent to defraud somebody. The current law has dropped the requirement of a specific intent to defraud, which means the mere knowledge that money is not there is sufficient to make the crime. But the State Supreme Court, in trying to uphold this improperly drawn law, supplied the necessity of the specific intent to defraud. So the mere knowledge that money is not available in an account that will...on which a check will be written, the mere knowledge that that money is not there is not sufficient to create the crime and justify a person for being imprisoned should such a check be written. The Supreme Court, had it interpreted the law based on the words "of the law", should have stricken it down, struck it down as unconstitutional. But in trying to save the Legislature from itself, trying to help these careless merchants persist in their carelessness and have the state taxpayers underwrite the collection of these bad debts, the court upheld a bad law.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: On Select File I will take more time. I'm not even going to seek, Mr. Chairman, additional time to elaborate at this point.

SPEAKER BARRETT: Thank you, sir. Further discussion? Senator Peterson.

SENATOR PETERSON: Mr. Speaker and members, I ask your indulgence to move the bill over to Select File and in that time, hopefully, Senator Chambers, myself and the County Officials and County Attorneys can work this solution out. I do not think it warrants killing this bill or anything like that. I think it's a fairly decent bill. I think we need to have some