

that's a nongermane answer because...

SENATOR CHAMBERS: But, no that's very germane, Senator Johnson, wouldn't that be the basis for an arrest to occur under this statute as it's written?

SENATOR JOHNSON: Well the section that you're talking about deleting, Senator Chambers, deals I believe with the basic bookmaking, and I don't think bookmaking uses playing cards.

SENATOR CHAMBERS: Senator Johnson, there are some people who use ingenious devices to determine what is being bet and the amount being bet, and there other ways...like you can, instead of taking bets in dollars it can be in pennies and the number of buses or any item, so since cards are related to gambling and if you could indicate that you had a basis for believing that in this particular locale these cards are customarily or commonly used for this purpose, could that be the basis for an arrest?

SENATOR JOHNSON: Yes, it could be.

SENATOR CHAMBERS: And even if the person could show that by an argument that they were not for this purpose, the arrest nevertheless has occurred.

SENATOR JOHNSON: That is correct.

SENATOR CHAMBERS: If the person were shaky enough, might the person retain an attorney to fight the issue?

SENATOR JOHNSON: Well, I think that...I am inclined to believe that the person would retain an attorney to fight the issue for two reasons...number one, if his intent was innocent, he would certainly want to successfully defend the case, and he would retain an attorney if he was affluent enough to do so, and if he was not because this was a criminal matter the court would appoint an attorney to represent him, so he would have counsel.

SENATOR CHAMBERS: Thank you. Members of the Legislature, this amendment is not designed to nitpick, but to try to make this law, if it's going to exist be one which at least is equitable. As it is drafted, this particular... these provisions that I've talked about would open the way for possible harassment, expense even if there is no harassment intended, and the issues that could be raised are being raised under language which is so fluid