

and ambiguous that it would be difficult for an individual to know exactly what can be done and what cannot be done under the gambling laws of the state without facing a charge of possession of gambling records, and it talks about possession of any writing, paper, instrument or article which is the kind commonly used. These are all matters of subjective judgment. There are definitions for none of these terms in the statute itself. I don't believe that the deletion of this language would hurt what the bill is attempting to do. Remember, I would say, legalize gambling, but that failing I say, that since we're dealing with a bill that is going to penalize people we need not cause a proliferation of crimes. What this particular provision does that I'm talking about is to touch on what a person might have in his or her mind...

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: You have two minutes left.

SENATOR CHAMBERS: ...and I have a question that I would like to pose to Senator Johnson. Senator Johnson, may a telephone be an instrument or article commonly used for the purposes envisioned by this bill?

SENATOR JOHNSON: Yes. That's a very good...playing cards I said was a little bit off the wall, but a telephone obviously is an instrument which is used in bookmaking, and any...a legitimate business person can have a telephone in his or her establishment, and if the police or law enforcement officials incorrectly believe that business establishment is being used for conducting bookmaking activities, he could be prosecuted under this particular section for the possession of an instrument, to wit, the telephone, which would be used in a bookmaking activity. Now he can come back and show that the phone is used... number one, it wasn't used knowingly for bookmaking activities, or number two, that it was not his intent to use the phone for bookmaking activities, but, yes, that is the kind of far-reaching aspects of this section.

SENATOR CHAMBERS: Thank you, and members I hope that you will see this amendment as a serious one, and accept it to strike the language where I had mentioned to you, and in my closing, if one is necessary, I will restate what the amendment does.

SPEAKER MARVEL: We're dealing with the Chambers' amendment to Committee amendment. Senator Newell, do you wish