

17, it is a crime if you cause money damage in excess of \$100 as a result of something you do recklessly. So if you bump somebody's car and cause \$102 worth of damage, you have then committed a crime. I don't think it is necessary to load down the criminal statutes with this type of nonsense because it is doubtful that a prosecutor would charge somebody with criminal mischief in an auto accident unless there were a particular person that he or she, as the case might be, did not like. None of these statutes or provisions that I am discussing here that relate to criminal mischief can be shown not to have accomplished what they were designed to do without changing it like this bill does. Remember, we are not talking about bodily injury. There are all types of laws on assault, assault and battery, and what-not to cover that. We are talking strictly about money damage. It should not be a crime as this statute is attempting to make it. And, therefore, I am asking that this provision of law relating to criminal mischief be left the way it exists in the statutes right now. It requires intention or malice, meaning that my aim consciously is to do something to hurt you. Recklessness, although it sounds scary, does not rise to the level of an intentional act, and, therefore, I don't think it should be a crime. If I recklessly damage your property, you can make me respond in money damages for the damage that I have done to you. But I think it is a waste of time and an overburdening of the criminal justice system to add these provisions to the law that you find in Section 11. So if you have any questions, I would be glad to answer them. But my motion, remember, is to strike all of Section 11 and that starts at the bottom of page 9, line 25, and runs through lines 1 through 23 on page 10.

PRESIDENT: The Chair recognizes Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. President. Senator Chambers, would you answer a question?

SENATOR CHAMBERS: Yes.

PRESIDENT: Senator Chambers, will you respond?

SENATOR CHAMBERS: Yes.

SENATOR HIGGINS: You stated that if you damage my property, you will willingly pay for those damages and there doesn't have to be any criminal offense to it, right?

SENATOR CHAMBERS: No, what I am saying is that the laws exist that will force a person to respond in damages.