

January 27, 1982

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think something needs to be done or they wouldn't try to be getting them under this law. Okay, let's move down to line 17, "Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants,...", and that is just an example, that is not the limitation, it is just an example, "...refusal to pay or absconding without payment or offer to give pay gives rise to a presumption that the service was obtained by deception as to intention to pay." Well I hate to keep harping on something that is going to happen but about February 8 a whole gob of people are going to get an energy bill, a pretty high one, I suspect. Now the way I read that once we include natural gas or electricity under this, we are also including it under the other provisions of the law. When they send you the bill immediately after service is rendered, they expected to get paid. In fact it is immediately in default in what, five or ten days? They expect payment, exactly what it says here. Are we now turning the whole bill collection system of natural gas and electricity into a system of a criminal conduct if you don't get it paid in time? I think legally you are. At least sure a heck of a case for it here. Based on strict interpretation of the criminal statutes, you are making criminal conduct. I repeat, I am not against solving the problem. I know there is going to be a lot of it and I know there needs to be something done. I do believe some more study, more attention should be given to this particular amendment, maybe the method to solve it, maybe rework this entire law because it wasn't but a few years ago we started on the criminal code, those of you that worked here. Senator Nichol, remembers it pretty well, I think he was around. Senator Chambers. When we started on that puppy the last thing anybody thought about was computer crime, computer type offenses. We found by the time we had worked on that a couple of years, they started rolling in different things. We had to completely change our criminal code as we went along to adapt to the technology of the '80s and the '70s and we did. We started putting things in there, and things that were obsolete that people were holding onto so vigorously and fighting for so assiduously really were obsolete and we found that we had spent several years of giving too much attention to the wrong things. Again, I see the problem. I agree with solving it. I really wish everybody before they make these major changes in a bill already going would go back to the drawing board and get some people from both sides together and see if you couldn't come up with something that doesn't end up making everybody that takes natural gas or electricity into the category of criminals or whatever. Maybe it doesn't, but, by golly, the way I read it taking into

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