

effect of the bill. Regarding overcrowding that Senator Chambers argued to, overcrowding in the jails, taken to its logical conclusion, I don't think we should just start cutting back on any crimes that we have because we don't have room to keep the people. I don't think the existence or nonexistence of space in jails is a reason to not...to either make or not make a particular act contrary to public policy. I think we have to determine that act on its own merits. As far as some of the disparate sentencing, itself, of fines versus jail time, I would suggest that the difference in some of the sentences is, and I would agree with Senator Chambers, that on many occasions the male is fined \$100, whereas, the female may get jail time. I would suggest though that is not just because of a difference in gender, but rather goes to other factors involved in sentencing, for example, number of prior offenses. I think we have to look at the whole sentencing procedure rather than one small area of what appears in a newspaper. So I don't think that argument flies. Again, I would repeat, this is the amendment that I believe was voted down on General File, and I would point out again that all this amendment does is to disallow enforcement of the statute. If you are going to vote for the amendment, there is no reason to vote for the bill, itself, because it is unenforceable. I think this amendment, what it will do effectively is to gut the bill. I would urge you to reject the Chambers amendment and advance the bill.

PRESIDENT: Senator Chambers, you are up. Did you wish this to be your closing or not on your amendment?

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, Senator Lindsay touched on a very crucial issue that I think is being lost on the body but is not being lost to the record. Overcrowding is very serious. I have talked to the people who run the Corrections Department at the state level, those at the county level, and they do have a problem with legislators saying all we are going to do is criminalize the conduct. We don't care whether there is space or not. That is not our concern. But it is because we are the ones who overcrowd, and then when those people cannot be properly handled, when order cannot be maintained, if federal decisions come down and say let these people go, then the legislators turn it back on the courts. But it is the silly kind of bills like the kind being offered here now where we say it doesn't matter that there already is overcrowding. There already is overcrowding, and it is an issue that this Legislature should be