

conceal evidence, or if its committed in the presence of the officer. An assault is a misdemeanor. Why are we going to continue to do what I consider to be very bad legislating? If the problem that these people who are concerned about domestic abuse, if the problem they are encountering is that officers don't want to make an arrest without a warrant simply because somebody says, hey, so-and-so threatened to do such and such to me, if you make it discretionary, what have you changed? You are telling these people that supposedly you're concerned about protecting, that you're strengthening the law and putting more pressure on the police to make an arrest, when in fact you haven't done anything. This is deceptive legislation. We, on this floor, say we care about children, we care about abused spouses. Then we come in with legislation so we can tell them later, yeah, we did something to help you. But the legislation does not change the law and an officer does not have to make an arrest. He still does not have to, you have just taken language from another part of the statute and put it over here. And if, under the existing law, under this portion that is being amended, the officers are not making these kind of arrests, why do you think they're going to make an arrest because you say and this time we mean it. You can make an arrest, in the case of a misdemeanor, and we really mean it, however, you don't have to. Let me ask Senator Bernard-Stevens a question in the few seconds I may have remaining. Senator Bernard-Stevens, didn't I hear you say that the way this amendment would be incorporated into the existing law it is discretionary with the officer as to whether he or she would make an arrest under these circumstances?

SENATOR BERNARD-STEVENS: That is correct.

SENATOR CHAMBERS: Is that the way the law is now? May an officer now make an arrest under these circumstances, under the current state of the law?

SENATOR BERNARD-STEVENS: They have the discretion to make an arrest on their interpretation, that is correct.

SENATOR CHAMBERS: And don't...isn't that what it would be if this amendment is adopted?

SENATOR BERNARD-STEVENS: Yes and no.

SENATOR CHAMBERS: Tell me why you say no. Either it's