

arrests them, so if he has a difficult situation that he is responding to, using our current statutes, he still can make those arrests.

SENATOR CHAMBERS: If this amendment, as Senators Stevens, Bernard-Stevens and Pirsch have drafted it would be added to the law, does it in fact give the officer more authority to make an arrest than he has now in these situations?

SENATOR KRISTENSEN: Well, I don't think that it does. I don't think that it adds the authority. I think it restates what you really already have there. The key is that you still, as a police officer, when you walk into that situation have to make some subjective judgments. Has a misdemeanor occurred or not? And when you walk into those situations and you have two people sitting on the couch and it's obvious that there has been some disputes, the place is a wreck, the kids are in the other room crying, the chairs are overturned or whatever, that officer still has got to decide, one, who did the threatening in a menacing manner because he wasn't there to see it? How does he know? He's still got to make that discretionary call as to whether there was a misdemeanor committed.

SENATOR CHAMBERS: Will this amendment that is being offered give him more guidance in making that subjective decision?

SENATOR KRISTENSEN: He's still got to...no, he is still going to have to go in and make that decision about who created this disturbance, who is at fault and, one, should I arrest anybody and remove them out of their home. Oftentimes he is going to go there and there could be a dispute as to who was there or for custody or whatever, there is some real problems. And Senator Pirsch is right, those are dangerous situations. He has got a lot of other judgments to make at that time. This doesn't give him any other help. He has still got to make a basic judgment call.

SENATOR CHAMBERS: Thank you, Senator Kristensen. Members of the Legislature, that exchange I think should make it crystal clear that what is being offered here does not add anything to the law. If you want to insist on doing it, you can get 25 votes and do it. But I think it is a very poor way to legislate, not only on this particular law, bill, but on others. There is no need to say over and over and over in the law what is already there and now I'm going to focus in on what I think