

some real possibilities for abuse and discretion there. But we do make some exceptions for misdemeanor arrests, and if you'll look in the front of this amendment, the Pirsch-Bernard-Stevens amendment, subsection 2, starting on line 11, talks about the misdemeanors that you can arrest people for. And if you go to that domestic violence disturbance and the officer believes that there is going to be additional injuries or there has been injuries, and there may be property damage possible, he can go ahead and arrest those people. That is what is already in the law. Now, granted, some officers go to those situations, they're are dangerous, you don't know who has caused it, you don't know what is behind all this and you have no idea if you've been there five or ten times before in most situations because usually it happens in different shifts and so on. When you go ahead and put on threatening in a menacing manner as another reason to go in and arrest those people, it's just an additional cause. It really says to the officers, we want you to take another hard look at this. Believe me, they already know that. They know when they go to a domestic dispute that if they don't do something that caused that situation, they are going to be back in a half an hour or in an hour, and this time maybe somebody is going to wind up stabbed or shot or whatever happens. So at the time they go in to make those judgment calls the first time they're there, they already use the existing law, and if there isn't enough evidence there, by giving them another standard, they're not going to make another arrest or a better arrest, and I think really all you do is open it up for the marginal calls and you, in effect, say to them, this is the next step towards mandatory arrest, that we're going to go to a domestic dispute, somebody has got to get arrested just so we don't take that one chance that somebody may get hurt. Well, that's a tremendous shift and change in what we do in law enforcement in our criminal law and I agree with Senator Chambers, I think that this is too broad. It already includes what is in the law and the officers have a difficult choice to make when they go now. This doesn't help them a bit and, in fact, it may be of some difficulty and some problems to you and I would support the Chambers amendment.

SPEAKER BARRETT: Senator Crosby, followed by Senator Bernard-Stevens.

SENATOR CROSBY: Thank you, Mr. Speaker and members, contrary to some of the statements that were made, there are a lot of us who relate to this bill, to both of these bills and I am interested.