

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: One minute.

SENATOR CHIZEK: ...that the committee structure has had this year is wrong, and I'll defend the committee any time that happens.

SPEAKER BARRETT: Thank you. Senator Smith, followed by Senators Pirsch, Langford, Chambers, Kristensen and Bernard-Stevens. Senator Smith.

SENATOR SMITH: Thank you, Mr. Chairman. I won't belabor this, but I would like to have...I was visiting about this issue and didn't hear what Senator Kristensen had to say. So I would like it if he would repeat...are you stating that we should not remove this section...subsection (3)?

SENATOR KRISTENSEN: All I'm trying to do is explain to you what I think happens when you remove that. And, quite frankly, I haven't made up my mind how I'm going to vote. But I want to explain what I think the introducers are saying, if you take out the misdemeanor section. And you have a felony case that's pending, it's been filed, and as you get ready to go to trial you find out more facts. And you don't have a confession, so it's going to have to be a case that is going to have to be proved on the evidence. Okay? And you're not real sure, as a prosecutor, you know you're going to take a risk. Any time you go before 12 jurors you never know what that outcome is going to be. And a lot of times, well, in fact by law you have to work with the victims, because the victims rights law, which are very good, but you're in contact with those victims. And the victims say, well, you know we'd rather have...you know, we want...he was a friend or a relative at one time, we're concerned about him, we hate what he did, we despise what he did, but we want him to get treatment and we'd rather have some conviction than no conviction at all. And oftentimes you're going to be faced with that decision, do we go from a felony to a misdemeanor? If you go from a felony to a misdemeanor, and you take out the misdemeanor section here, I just want you to be aware that if it's past the three years you won't be able to do it.

SENATOR SMITH: All right. Let me ask you another question then. And that is, Doug, if this is removed, I guess someone has committed a felony and done the kinds of things that we're