

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'd like to ask Senator Conway a question. Senator Conway, on page 478 of the Journal, in Section 9, I'll read the language so it's a matter of record. And this is from your proposed amendment, "In any criminal matter involving the unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, storage, or possession of controlled substances before the courts of this state, the judge may consider the amount of the tax imposed by the Illegal Drug Tax Act in the setting of the bond for an individual or may require the posting of other security for the payment of the tax." Does this mean that when a person is charged with a criminal offense, this information about the tax will become a part of those proceedings, and that seems to be the case here because it's brought to the judge who is presiding over the case. Is that correct?

SENATOR CONWAY: It apparently would be obvious that the tax is also a...civil penalty or a civil provision is also part of those proceedings.

SENATOR CHAMBERS: If the person had paid the tax, would that be made known to the judge?

SENATOR CONWAY: I assume that that would be made known to the judge, therefore, the responsibility or the cost for fines later, and the judge would set bond accordingly, differently, knowing that there is also a major tax lien against the same activity.

SENATOR CHAMBERS: Is payment of the tax indication by the person himself or herself that he or she had possessed, manufactured, distributed or engaged in an illegal drug activity that is covered by this tax bill?

SENATOR CONWAY: I assume no one would pay it...prepay the tax, unless they were willing to admit that they were in possession of such a substance.

SENATOR CHAMBERS: We have to deal with what the bill provides, what the law will provide, should it be enacted. If a person had paid the tax, you said that information would be presented to the court. Is that correct?

SENATOR CONWAY: That would have to be presented to the court