

establish that the person is under 18 before you have the crime. If the person is 18 or older, this that we're talking about does not even apply. So the elements that must be known to have this new crime that we're creating are the conduct that is prohibited and the age of the person with whom this conduct is engaged in. So by striking this language you will not erase what you've written in other parts of the bill where you require knowledge. Let me say it a different way. In the body of the bill, where you're creating the crimes, you're saying that there must be knowledge. But in this language you're saying there doesn't have to be knowledge, so what you're really trying to do is take away a requirement that the courts have always had when you have criminal conduct and that's that the person knowingly does what is prohibited. But if in part of the bill you say you've got to know, but in another part of the bill you say you don't have to know, then you have created a wash. I'd like to ask Senator Johnson, if I may.

PRESIDENT NICHOL: Senator Lowell Johnson, please.

SENATOR CHAMBERS: Senator Johnson, did you have a chance to look at the parts of the bill where it says that the perpetrator must knowingly and intentionally do this conduct which, you know, in whichever section it is?

SENATOR L. JOHNSON: Yes, I see it.

SENATOR CHAMBERS: Alright, now if you require in that section for the person to know and in that section we see the conduct plus the age of the person, then this language at the last part of your amendment says that if you don't know it's not defense. So how can you be required to know and not know at the same time? Or do you want to remove "age 18" from that section and try to rewrite it somehow where it's not a part of the offense? But if it's not a...if the age is not a part of the offense, then you don't have the crime that you're trying to commit...create. Do you at least understand what I am saying?

SENATOR L. JOHNSON: Go through it once more, please.

SENATOR CHAMBERS: Okay. In the parts...let's take the two parts on page 1346 where we're creating crimes. One of them, one of them relates to giving some of these drugs to a person, and I'm not going to state all the things like persuade, coax and so forth, giving these drugs to a person would be this crime