

that we're creating if the person is under 18 and the giver is over 18; in subsection (b), if you aid, or abet, or persuade this young person to aid or abet in doing these things, so we have two different offenses here. What I'm trying to say is this, there is the conduct that has to be engaged in or we don't have the offense, and the person...there are two people involved. The perpetrator, we're presuming, is over 18. The one who is the victim, based on the way the statute is drawn, is the one under 18. The portion of the statute that creates those two offenses says you must knowingly and intentionally engage in this conduct, so you must know the nature of the conduct you're engaging in. For example, if there were drugs in a sack and you didn't know the sack contained drugs and you passed that to somebody, you haven't committed the crime because you don't know what it is that's in the sack. So you know what this is and you intend to do it, because if I've got drugs in a sack and I drop the sack on the ground and somebody picks it up, I have not committed this offense because, although I knew what I did when I dropped the sack, I did not intend that that drug would get to whoever got it. So you've got to have them both. You have to know what you're doing and you have to intend to do that which you know you're doing. And the person who is involved must be under 18. If you don't know that the person is under 18, then one of the elements that you're requiring to be known is not known, and that's what these four lines at the end say. They say, "It shall not be a defense to prosecution for violation of subsection (15) or (16) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection." How can you violate the subsection if you don't know, when the subsection itself said you must know? And if you want to answer that while I've got time, you can, or on your time you can address it. Whichever way you'd like to do.

SENATOR L. JOHNSON: I'll do it on my own.

SENATOR CHAMBERS: Okay.

PRESIDENT NICHOL: Senator Bernard-Stevens, please? Senator Pirsch. Oh, there's Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. I rise at this point to oppose the...this particular Chambers amendment and I'll...I think I'll let Senator Pirsch and Senator Johnson respond a little bit more, but I guess my