

have to have knowledge or intent, then you don't have a crime. In certain crimes, you have to have a specific intent to do the act that you are prosecuted for, and in this one, forgetting the age element, I am going to give the example that I gave earlier. If I have drugs in a sack or in a container, but I think that there is candy in that container and it is marked as a container with candy, and I pass it on to anybody, then I cannot be convicted of possessing drugs, passing drugs, or anything else because there is no knowledge. A common carrier who delivers a package containing drugs is never charged with transporting drugs, delivering drugs, or possessing drugs, if that common carrier did not know what was in that container. But if the common carrier knew, then that common carrier is really a drug courier and he or she will be charged because they knew that drugs were involved and they intended to transport what they knew to be drugs from one place to another. And there you have the knowledge of what is being done and you have the intent to do it. If you know, for example, if I know that there are drugs in this container and I leave the drugs in my office or in my car or in my home and somebody comes across that package and opens it and discovers there are drugs, or if they break into my car and take the package because they think it is of value and they later find out it is drugs, I am not charged with illegal delivery of drugs because the transmission from my possession to that person's was not intended by me. They can get me for possession because I knew that I had it. They can get me for intent to deliver if it is a larger quantity than I would use. So the knowledge is there, but no intent to deliver so they can't charge me with that. I have got to have the knowledge and the intent. When it comes to the possession, I know I have got the drugs and I intend to possess the drugs so I can be charged with that no matter what happens to them after that. In this situation, in creating the new crime, you put all of the elements in the provision that creates the crime. You say that the person who does it must be over 18, the other party has to be under 18, and there has to be a knowing and intentional engaging in the conduct that is prohibited. And yet the last four lines of the statute or the Johnson amendment say that you don't have to know the age of the one who is involved with you. So I am moving to strike those four lines. That is what the amendment would do and I have given the rationale for why I say it. And they were mentioning statutory rape.

PRESIDENT: One minute.