

the one who is doing the encouraging, the enticing, and so forth, but this bill doesn't require you to just entice, coax, and so forth. You can just pass something to somebody. So if it is going to hit those situations that we are not concerned about even, then I think we ought to take out this language that I am talking about where you enhance the punishment if it is a counterfeit substance. There already are laws on the books that will make dealing in counterfeit drugs a crime. Do you agree with that?

SENATOR L. JOHNSON: Yes. I also feel that consideration of a case in that parameter that you are describing could be and would be addressed by the judge involved or the juries, the case might be.

SENATOR CHAMBERS: But the jury has nothing to do with setting the punishment. The jury has nothing to do with bringing the charge, nor does the prosecutor. The prosecutor would bring the charge something like this in the language of the statute. So-and-so on or around such-and-such a date at such-and-such a place did knowingly and intentionally deliver, whatever it is, drugs to so-and-so, who at the time of receiving these drugs was a minor under the age 18, something like that. The prosecutor draws that charge and that is the charge that has to go to trial. That is the charge that is presented to the jury and that is the charge if the person is found guilty on which the sentence will be based. So, if there are already laws dealing with counterfeit substances, and that is not where the crux of the drug problem is anyway, why is it not enough to limit this kind of Draconian law to the real drugs, the ones that we say we are concerned about? It would be so much better if the only kinds of substances being dispensed are counterfeit nonnarcotics because then we wouldn't have junkies, wouldn't have the killing, the violence, and the other things that accompany drug use and drug dealing. So even though I don't like the amendment, the overlapping punishments, the bringing of the whole idea because the federal government wants it done and wants to dump their responsibilities onto the state, despite that, I think again the bill ought to have some rationality. A person can get more time for selling a counterfeit drug than they can get for selling a real drug. For selling a counterfeit drug, Senator Johnson, would that be your intent that a person gets more time for selling a counterfeit drug than selling a real drug?