

while under oath in one of these special investigating committee hearings. Now Senator Schmit is bringing us another amendment that covers more than testimony under oath as a Class I misdemeanor. But under his just announced statement, it seems that also testimony given under oath is as well a Class I misdemeanor. And I'd have to scratch my head on that one. It seems to me as a prosecutor you could choose to go with a Class III felony if they're in the opposite political party and you could go with a Class I misdemeanor under this false reporting if they're of your own political party. I'm not so sure those two shouldn't be harmonized, don't you think? It just seems to me that if you're going to create this kind of a wrinkle we ought to be talking out of the same side of our mouth when it comes time to give a penalty, ought to be having about the same level of responsibility here. It ought not to be one level of punishment if you lie to the committee under perjury but a different level of penalty if you lie because you're giving a false statement...

SPEAKER BARRETT: One minute.

SENATOR LANDIS: ...under oath that because of a choice of a prosecutor becomes a misdemeanor. I just scratch my head and we're all reacting pretty quickly here because we're just getting this thing delivered to our table, but off the top of my head I'd say that we ought to harmonize these things a little better than what they are right now.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I'm looking at the language and I'm going to tell you why I have a problem with it. To me there is a great difference between a committee sitting as a committee and individual senators who make up that committee. We're talking about making language a crime, things that people speak a crime. We don't say that a person has to be under oath. A person could be talking to the senator. The senator could conclude that it's for the purpose of impeding, of instigating or impeding an investigation by the committee. When you have a formal setting of a committee hearing, and you require the taking of an oath, you have a set of circumstances where the seriousness and gravity of the situation is brought home to the individual speaking. It's not like a situation where somebody might run into a senator in a corridor of the Capitol building or at a restaurant or on the street. Senators are not law