

SENATOR BEUTLER: As...if you're talking about my general approach to the whole bill, that's true and untrue. I think there's an instance where you have a court hearing that's completely unnecessary and another instance in this particular instance, for example, unless you want to give the bureaucrats...the bureaucrats the broad discretion that you're giving them, what...no, let me ask you this. Why would you let a court force a person into a...I mean, force a department into allowing someone into a treatment program and then turn around and let them kick them out of the treatment program without going back to the court, to the same body that made them put that person into the treatment program?

SENATOR KRISTENSEN: Because the court would determine if they're eligible to go. It isn't a matter of forcing treatment. You can never force treatment onto those people. What this does is, I mean, you're going to have a bunch of defendants that may go into the system and be totally uncooperative or they may be cooperative just so they don't have to be behind bars and can be at the Regional Center but really, in substance, don't cooperate. You need the public institutions people to be able to say, look, you know, this is a smoke screen, you're just...you're sandbagging us and we want to throw you out. With this amendment, then I think you've got to go back to the court and say they're sandbagging you, is really, I think, what you're saying. I find that cumbersome and that's just one more way they can play the system.

SENATOR BEUTLER: Senator Kristensen, I find that ironic in that this whole concept is a playing of the system. People are going to just do the utmost that they can to get into this treatment program and to get their sentences redetermined under the provisions that you've put into this bill. I mean, one can be cynical about this bill. One can be very cynical about it, and I choose not to be because it's such a...it's such a difficult problem, to begin with, and it's a serious problem for people. But, to pick out a small portion of the bill and suggesting that it's allowing a con game, when the bill in its large dimensions can be viewed as a con game, seems to me out of proportion, to say the least.

SENATOR KRISTENSEN: There you go again. I'm going to resist that...that offer. At this point, I'm going to oppose this amendment, primarily based upon the fact that that appeal already exists at the front end of what we're doing. We can