

conditions. Okay? So what we are saying is we are going to punish young people under 21 years of age, if they have essentially been in possession of alcohol, in two different ways. First of all, we are going to charge them with a Class III misdemeanor, and, secondly, we are going to take away their license. What may amendment proposes to do, to give you the long and the short of it to begin with, is to say, okay, if you want to do this Class III misdemeanor thing, that is at least defensible, but taking...but adding on top of that punishment another punishment having to do with a driver's license in a situation that doesn't involve drunken driving creates, in my opinion, an indefensible double penalty for youth for simply having illegally used alcohol. First of all, let's go back to the basic structure of the law. There is a law right now against minors in possession, and if you are a minor in possession, you are subject to a Class III misdemeanor. Now I am sure Senator Kristensen will elaborate for us on what minor in possession is, but as I understand it, you have to be actually caught with a six-pack under your arm or partially opened, maybe not even partially opened bottle of whiskey in your car. You have to be in possession of alcohol in order to be charged with a Class III misdemeanor under the current law. So the first thing this new Class III misdemeanor does is expand the scope of the law because what it is saying is you are going to be charged with a Class III misdemeanor even if there is no alcohol around, even if there are no bottles or cans around, if we can detect it on your breath, or if we can detect it in your blood. So it is expanding the scope, essentially, of the minors in possession to charge you with the equivalent of possession if they can detect it...if they can detect through your breath or your blood that you have, in fact, illegally consumed alcohol. So with regard to that part of it, I am saying, okay, fine, that is defensible. But before we move on to the double penalty, think about what a Class III misdemeanor is. A Class III misdemeanor is possibly three months in jail and a \$500 fine. Okay. Now what if you did something far worse, what if you were drunk driving? This is sober driving we are talking about here. What if it is drunk driving, what is the penalty? The penalty is a possible 30 days in jail and a \$500 dollar fine. So immediately I hope you can see the disproportion in these penalties. You are penalized less if you are actually drunk driving than if you are not drunk and simply have been illegally in possession, in effect, of alcohol. So I think you can even argue that the Class III misdemeanor penalty, in and of itself, is out of proportion when drunk driving, itself, is a lower