

downwards to 1,500 rather than round it upwards. The intent was to get some kind of a...a rather round figure rather than using an off-the-wall figure. I hope that will answer some of Senator Pirsch's questions from...from her previous questioning. The second half of this changes a Supreme Court or corrects what happened with a Supreme Court decision and that is that right now...the law had previously been assumed to be that when you get charged with a...with a theft, one of the elements of that offense that the prosecution has to prove...and, remember, we're dealing with criminal statutes, so these are things that the prosecution will have the burden of proving beyond a reasonable doubt. One of the things that the court...that the court changed or changed whatever they assumed was the law was that value is something that had to be proven. It's clearly, I think, or the policy should be that that is an element of the offense. If someone is charged with a felony, as it currently stands, since the Supreme Court decision, as it currently stands, the prosecution need not prove that the value was in excess of \$300, even though that's what the statutes require. The statutes require that it be...have a value in excess of \$300. Because the Supreme Court has interpreted the statutes in that direction, I believe this change is necessitated. What the second half of this amendment then would do is that it would simply require that value is an essential element of the offense that has to be proved. Basically, that part of the amendment would return us back to where, I believe, we thought we were prior to that decision. With that, I would be happy to try to answer any questions and I would urge the adoption of the amendment.

SPEAKER BAACK: Thank you, Senator Lindsay. Senator Pirsch, on the Lindsay amendment.

SENATOR PIRSCH: Thank you. Senator Lindsay, I thought we had adopted this in your earlier amendment, but we have not for...

SENATOR LINDSAY: That was, as I mentioned then, that was to the checks. This is to the theft offenses.

SENATOR PIRSCH: Okay.

SENATOR LINDSAY: And those are...those were separated out simply for the purpose that we could discuss that. The last one was to the Dierks amendment, this is to your bill itself.