

answer, but we're not talking about different offenses. We're talking about the definition that relates to an offense. In the definition you talk about great bodily harm, great bodily injury. Then, in the same statute talking about the offense that's committed, you switch that to serious bodily injury. So why are you going to use one term in the definition, then when you get to a description of the offense you use a different term. Why is that?

SENATOR WICKERSHAM: Well, Senator Chambers, I guess if I had my druthers, exactly the same language would have been used. I see no substantial difference between the two terms and I suppose that if it's necessary we could come back next year with amendatory language to conform it. But...

SENATOR CHAMBERS: All right.

SENATOR WICKERSHAM: ..if you're asking my view, I see no...I see no impediment to prosecution simply because of that slight difference in language.

SENATOR CHAMBERS: Well, one thing you know, that a criminal statute is strictly construed and every word is given meaning and if you use different words then each word is presumed to have a different meaning than the other because none of it is presumed to be superfluous, but you gave your opinion on that so I'd like to take you to another provision. In lines 3 through 10 on page 2 we're talking about what harassment means. In line 5, what does the word "annoys" mean under the law? "Annoys", what does that mean? And this is a criminal statute.

SENATOR WICKERSHAM: I don't know that that has ever been defined by our court, but that is only one of the alternatives and you may find that you have, if the word "annoys" causes a problem in enforcement of the statute, you may be able to rely on the word "alarms" or "harasses".

SENATOR CHAMBERS: Okay, let me ask you this. Is it appropriate to define harassment by the term "harasses", harassment means to harass? Does that add anything to the word "harassment" by saying harassment means to harass?

SENATOR WICKERSHAM: I think they're the same thing, Senator Chambers.