

amendment up to the desk.

SENATOR HALL: Thank you, Senator Chambers. Senator Lindsay, your light is next.

SENATOR LINDSAY: Thank you, Mr. President, members. I did want to touch just a little bit in response to Senator Abboud's comments regarding the court decisions that he cited. And those court decisions, of course, he cited them accurately. What they said is that it did not rise to the level of a constitutional violation. But as I have heard come back to me on the other side of these things, just because something doesn't rise to a constitutional violation doesn't necessarily mean that it's the right thing to do. Conversely, we often times argue here that just because you have a floor, a minimum amount of rights that the constitution allows you, that doesn't mean the Legislature can't grant you more rights. Either we heard that a little bit earlier this session talking about jury trials where the constitution does not require a jury trial less than six months of jail time. And we determined there that the constitutional standard wasn't good enough, or at least in some cases, for this Legislature. Bottom line I think the question of whether something rises to a constitutional level or not to a constitutional level, it's simply an indication of what is our last protection or the last thing that you cannot violate. That doesn't necessarily make it wise policy. There's a lot of things we pass in the Legislature that are entirely constitutional but may not be wise policy. So while Senator Abboud is correct there that constitutionally we could do that, there's no question constitutionally we could do that, but I don't think it's the right thing to do. I have yet to hear in all of my readings why crack and powder cocaine should be treated in a dissimilar fashion, that's why I voted for the amendment in both fashions, because I think they ought to be treated similarly. Now where we set that level is again just a question of where we think the appropriate level ought to be for violation of this particular drug law, as long as the two are treated similar it's something I can support. But then I think it becomes a question of what does the body think ought to be the level at which we should set those. So, with that, I would urge the adoption of the committee amendment.

SENATOR HALL: Thank you, Senator Lindsay. Mr. Clerk, an amendment to the amendment on the desk.