

SENATOR LINDSAY: I don't have a problem with that.

SENATOR HALL: We will start with section B.

SENATOR BEUTLER: Thank you, Senator Hall.

SENATOR HALL: If that...you are welcome. We are now on section B, which is the second division. It is found on page 8. It incorporates lines 9, 10, 11 through the semicolon on line 12. Senator Lindsay, you are recognized to open on that section.

SENATOR LINDSAY: Thank you, Mr. President and members. This section would insert language, the language "Unless the possession, use, or discharge of a firearm is an element of the felony being committed," and the reason for insertion there is that right now if you do, for example, a drive-by shooting, you shoot at a building, you, in some instances, you are charged with the offense of shooting at a building, plus you are charged with use of a weapon to commit a felony. In a situation like shooting a gun at a building, one of the elements of the offense is possession of a firearm. You cannot shoot at a building unless you've got a firearm. So what that, the use of a weapon was intended and is intended to discourage the use of a weapon from offenses. For example, a robbery, our policy is we don't want...if we can keep...if crime is going to be committed, do it without a weapon, there is less chance somebody is going to get hurt. What this does is without this language we have gone away from that where those...that you must have a weapon to commit the felony. It is tacking a charge on there that you cannot commit the offense without the weapon, in the first place. So what it says is if the element, or if an element of the crime includes the use, possession, or discharge of a firearm, then the offenses of use in...or possession, use of a firearm to commit a felony, and the felony, itself, are not...are not run together. I'd be happy to try to answer any questions, and what I have tried to do and do with some of these is take some of the noncontroversial stuff, haven't been successful yet, but the noncontroversial stuff first, and then move on to those that are going to have a little more debate. So with that, I'd be happy to try and answer any questions. I'd urge adoption of this portion of the amendment.

SENATOR HALL: Thank you, Senator Lindsay. Mr. Clerk, an