

going to commit the offense. It's those very limited cases and the only one I can think right hand...right offhand is shooting a gun at a house. We can let this go. We can not adopt that and...and I'm not going to shed any tears over that, but when the Supreme Court or whoever says you can't do that and sets somebody free I know how I will have voted and I'm covered and that's...I mean, we put these things out, this is not something I'm going to live or die for, but I think it's wise policy and I'm going to urge that you adopt the amendment.

SENATOR HALL: Thank you, Senator Lindsay. Senator Pirsch, you are recognized.

SENATOR PIRSCH: Thank you, Mr. Chairman. And I...I do have several questions of Senator Lindsay, if he would continue his...I am trying to sort this out, Senator Lindsay, and we are looking at provisions in the sections that talk about the use of a deadly weapon which used to be use of a firearm to commit a felony. And what the committee did was differentiate between a deadly weapon other than a firearm and that is a Class III felony, and then the new language that the committee sent out is use of a deadly weapon which is a firearm to commit a felony is a Class ID felony. Now your amendment now would differentiate in the third section, unless the possession, use or discharge of a firearm is an element of the felony being committed, crimes, and then this is old language, defined in this section shall be treated as separate and distinct offenses from the felony being committed, and sentences imposed under this section shall be consecutive to any other sentence imposed. Now how will this change, in the present law, change the consecutiveness? And you said the only example you could talk about was shooting at a house. Shooting at a house is a crime in the statute somewhere else? And is that a felony? Okay. So if you shot at this house then the possession, use or discharge would be an element of the felony being committed and shall be treated as a separate and distinct offense. Now, Ernie talked about the motor vehicle but we're not talking about motor vehicles here. We're talking about possession, use of a firearm. So can you tell me how exactly this will...what is this going to do with the courts?

SENATOR HALL: Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. President. Senator Pirsch, what it would do is in that case, and on the next page is the statute that it's referring to, if you look on page 11, 28-1212,