

is sought to be made a ID felony. The...what 28-1212.02, what that...under that provision, you would be charged with firing a weapon at a...or you would be charged with shooting at a house.

SENATOR PIRSCH: Uh-huh.

SENATOR LINDSAY: But you would not be charged with use of a weapon to commit a felony because you cannot commit this offense, 28-1212.02, without using a weapon.

SENATOR PIRSCH: Okay.

SENATOR LINDSAY: It simply cannot be done.

SENATOR PIRSCH: All right. So in that limited use, this would exonerate the person using a firearm from having a separate and distinct charge.

SENATOR LINDSAY: Right.

SENATOR PIRSCH: Okay, but it would not with robbery?

SENATOR LINDSAY: No.

SENATOR PIRSCH: You're telling us.

SENATOR LINDSAY: Absolutely not.

SENATOR PIRSCH: Isn't a...using a firearm, which now would be separated as a firearm, isn't that sometimes used as an additional charge for a plea bargaining tool?

SENATOR LINDSAY: Yeah.

SENATOR PIRSCH: So if somebody drives by an inhabited building and...incidentally, that's one that you're going to change...

SENATOR HALL: One minute.

SENATOR PIRSCH: ...back too, isn't it? That's one I have marked that will be affected by this amendment. But, anyway, okay, so that's all, if we adopt this amendment in that narrow instance and maybe in others that you can't think of, they will not be able to be charged with an additional charge of...