

SENATOR LINDSAY: That's correct.

SENATOR PIRSCH: ...using a firearm.

SENATOR LINDSAY: That's correct.

SENATOR PIRSCH: And so if someone does shoot at a house, is a drive-by shooter, that would be the only felony that they could be charged with?

SENATOR LINDSAY: Right.

SENATOR PIRSCH: Okay, thank you, Senator Lindsay. I guess I, too, would oppose this. In that narrow instance, I don't know that, first of all, we want to...

SENATOR HALL: Time.

SENATOR PIRSCH: ...eliminate that extra felony.

SENATOR HALL: Thank you, Senator Pirsch. Senator Chambers, your light is on for the last time.

SENATOR CHAMBERS: On this particular item.

SENATOR HALL: On this particular item.

SENATOR CHAMBERS: Oh, thank you. Members of the Legislature, let's say that I'm charged with discharging a firearm within the city limits. I cannot be charged with that and a separate offense of using a gun to do that which can only be done with a gun. As Senator Lindsay pointed out, he's not going to die if this is not adopted. And people might be a little bit owly and irritated about the process that brought us to this point, just like I was with the welfare bill yesterday but I wound up facing the reality of the situation and worked with the sponsors of the bill to salvage what could be salvaged from it. So if a point is being made by rejecting this amendment or trying to convey the impression of being tough on crime, or whatever reason a person has, that can be done. But the fact is whether we clarify or not with the language that we put into the statute if this that the language would prohibit is attempted then it's going to be knocked down by the courts anyway. It would be like somebody saying, I don't like the Supreme Court saying that malice has to be a part of second degree murder so we're going