

SENATOR LINDSAY: Yeah.

SENATOR BROMM: I think I would have to make that decision. If I don't have what I consider to be a darn good case, a very good case on the shooting incident, I would have...I better go with just the possession charge.

SENATOR LINDSAY: No, because what you have is...you can...you can...are you talking about possession of a firearm?

SENATOR BROMM: Well, I'm reading the lang...I was looking at the language further up in the section...

SENATOR LINDSAY: Okay.

SENATOR BROMM: ...where it speaks of possession of a firearm, who uses a firearm to commit a felony may be prosecuted.

SENATOR LINDSAY: Right. Now in the case you're talking about though there's no underlying felony. You could not charge that. If you don't have the evidence to get the...

SENATOR HALL: One minute.

SENATOR LINDSAY: ...to get the drive-by conviction, you're not...you don't have a felony which...upon which you could premise the use of a weapon to commit a felony. So...

SENATOR BROMM: Have there been any Supreme Court cases or appellate court cases or district court cases that have delved into this issue that you're trying to change?

SENATOR LINDSAY: Not that I've seen. I...I know it's been charged in Lancaster County. I'm not aware of it being done elsewhere. It might have been, but that's the one area I'm familiar with.

SENATOR BROMM: Thank you, Senator Lindsay. I...I'm...I'm going to rise in opposition to this amendment. I don't think I've probably stated my opposition as articulately as I...as I should but I think I have a sense that this most certainly takes away some of the flexibility of the prosecutor and I...I don't feel real certain that...that I want to do that at this point.