

(inaudible)...

SENATOR HALL: Senator Lindsay, could you speak into the microphone? We're having trouble picking you up.

SENATOR LINDSAY: I don't think you want to hear what I have to say, Senator Hall, but...

SENATOR HALL: When we get to a vote we'll decide that. Senator Lindsay.

SENATOR LINDSAY: You're looking for a situation...and we can talk about this, by the way, throughout, this isn't a section we're trying to change now, so I will come back to that. I will try to find you a set of...a fact situation like that, Senator Chambers.

SENATOR CHAMBERS: Okay. And, members of the Legislature, this is what I'm saying, on identical facts you cannot have a misdemeanor and a felony. This is not a case where a person commits a felony and the prosecutor decides to change the name of the offense and charge something else. This is where the same fact situation creates two different crimes, two different grades, one a misdemeanor and one a felony, plea bargaining,...

SENATOR HALL: Time.

SENATOR CHAMBERS: Oh.

SENATOR HALL: Thank you, Senator Chambers. Senator Pirsch.

SENATOR PIRSCH: Senator Beutler, I have a rhetorical question, I think, for you. I don't understand why you are on a section dealing with motor vehicles or unauthorized use of a propelled vehicle. We are on, to get everybody back on track, we are on page 8, the number 2 or (B) amendment which is on page 10, line 11, strike "the", show it as stricken, and before "crimes" insert "unless the possession, use or discharge of a firearm is an element of the felony being committed". I don't understand this debate that's going on. I think we ought to stick to the fact that we are talking about the use, possession or discharge of a firearm. I don't know how we got off of that, but we are talking about that being treated as it is now, as a distinct and separate offense from the felony being committed and those sentences imposed under this section shall be consecutive to any