

SENATOR BEUTLER: ...very much. I don't know what's going to happen with the bracket motion. After the bracket motion, I'm going to make a motion to adjourn and the motion, I hope, will bring people to sit down tonight or first thing in the morning and decide about some operative dates and decide how to get us out of this mess that they've gotten us into. And I don't think anybody has to worry about it being on the agenda tomorrow because we all want a crime bill. If we all want a crime bill, it will be on the agenda and I think that's the only way some...we're spinning our wheels here tonight. I'm going to tell you about three more things that are wrong with the bill but I don't know if it makes any difference, except that I hope it confirms in your mind that...that we should have done some work on this. But in that same section of Section 28 that Senator Chambers talked to you about earlier, not only does it mention the certain events as being crimes, but it also says "or attempts to" in three different places, or attempts to, or attempts to. My friends, traditionally in the law, attempt is a separate offense and it's always one category below the actual offense and there's a reason for that, is because you don't want to encourage people to do the actual thing if there's any way to provide incentives for them not to. But here we're equating attempts with the actual thing itself so the penalty is the same whether you attempt it or whether you actually do it. That's another flaw in the bill from my perspective and a very different approach to the law and one that at least deserves a very fundamental kind of debate on the incentives built into the law. It's completely contrary to the traditional notice...to the traditional law of contempt...attempt. And, by the way, we still have the law of attempt which still applies to this new provision so I suppose we have technically the possibility of an attempt at an attempt. Is that right, Senator Chambers? Doesn't that logically follow? There's another provision in this bill that says that no person committed to the department be ineligible for good time due to the unavailability of services referred to in this section. I think there are some questions as to what unavailability means. It may mean no program available whatsoever. It may mean one program is available but does a person have to take it a second time and a third time and a fourth time? If a program's available but it's overcrowded and there's not room for a person what does...what does that mean?

PRESIDENT ROBAK: One minute.