

would make the person guilty of this offense. However, I think the language, without this that I'm offering, is so vague and indefinite that this provision might be struck down. I wish some of the lawyers were here and would listen, but the criminal law is narrowly construed. When you create a crime, the language must be so clear that it informs an ordinary person of what conduct is allowed and that which is not. I don't know whether Senator Wehrbein and I or any two of us could come to an agreement as to what constitutes distracting this animal. I know we wouldn't all agree on each of our respective definitions or impressions about what constitutes harassment, but this language that I'm adding, which could be considered in a way to modify that which goes before it, would make it clear that if an individual engages in action of the kind designed to distract this animal from doing that which the animal is supposed to do, and there is no attempt to describe each one of those things, then you would have the act that constitutes the offense. And I am not really sure that this language saves the bill from vagueness, but I think it would help because you don't leave it wide open so that any time this dog or this horse is available, then the distraction that might result could subject a person to charge, to the char...to being charged with the commission of a crime, and if you have any questions, I will answer them.

SENATOR BERNARD-STEVENS: Thank you, Senator Chambers. Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Mr. Speaker, members, I do have some questions, Senator Chambers. I...what do you mean by performing legitimate official duties, and I will expand on that a little bit. If the dog is on duty, obviously, is that...will he always be performing official duties under those circumstances, or on the other hand, if he is laying there sleeping calmly and somebody starts to tease him and wakes him up, drops a bucket of water on his head or some such a thing, I don't know whether that can happen or not, but would that, would he be considered on...if he was on official duty, would that be performing official duties, or what is your intent here?

SENATOR BERNARD-STEVENS: Senator Chambers.

SENATOR CHAMBERS: My intent is that the dog be actively engaged with the officer in carrying out these enforcement duties. It doesn't necessarily mean that the dog is in a hostile posture about to pounce, but let's say that there is a reported break-in