

if you...what may be perceived as danger by some may not be as others, and you're going to end up having a real difference of opinion as to what constitutes that bodily harm. It simply all a person has to do is stop the activity that they're engaged in and a dog will obey its master and back away, not back away but will simply cease the struggle as long as the person that they are trying to apprehend does. And so it really defeats the purpose of this bill if you allow resistance, I realize it's innate in many of us, that's what you want to do. But the point is if you do it simply makes the struggle more vicious. And you're going to have an ongoing battle when simply all the person has to do is stop their resistance and remain still, and they will...the arrest will be over. And so I don't know that there's any other way to define this. We talked about this earlier on the floor. I said I would look at it. I've thought about that, I've talked to the State Patrol about this. We see no way to find a middle ground here for someone that wants to resist. I realize it's innate in most of us to want to resist in a situation like this, but the dogs are well trained for this very purpose. They don't carry on excessively, they simply stop the intruder, if you will, or whatever and not proceed on any further than is necessary. And I tried to draw the analogy that there's no really satisfactory or legal way that you can resist an officer, and that's the intent of this, that you do not resist a dog or...

PRESIDENT ROBAK: One minute.

SENATOR WEHRBEIN: ...horse, if there was a situation where that might occur, that they...you would want...that there should be a resistance, because the point simply should be there should not be a resistance to a legitimate arresting procedure. And so I oppose the amendment.

PRESIDENT ROBAK: Thank you, Senator. Senator Witek.

SENATOR WITEK: Madam Chairman, members of the body, Senator Wehrbein, I'm glad you stood up and said that you're opposed to this amendment because it had been going so smoothly. I had some concerns about this amendment. I guess my concern is on the use of reasonable force, I know Senator Pirsch had asked Senator Chambers what he thought reasonable force was. But I guess it could be defined as anything that's defined by the courts, as I understand it. And then also threat of death or bodily injury, how would you...anybody could go into court an