

SENATOR ABOUD: Well, I can understand what you're saying. Kidnapping is usually, if a minor is kidnapped and then sexually assaulted, they'd probably, a prosecutor would probably choose to go with the kidnapping charge because it's a, carries a greater offense. So in some instance I can understand, and some instances I can't. I...but again, as we've seen so often, the federal government puts down a requirement and we don't have a lot to say about it. And this is one of the sections that we didn't have anything to say about it there, they basically dictated on what we have to enact, so.

SENATOR CHAMBERS: But, Senator Abboud, we do have something to say about it. We are a Legislature composed of members elected by the people who live within this state and within the districts that we represent. To say that we must do what the federal government told us to do is not correct. The only time our laws or the constitution of this state must give place is if those provisions are in violation of a federal law or the federal Constitution. But to have some bureaucrat or even Congress say that you must enact a certain local law is beyond the power of Congress to require. That's why they say if you don't do it we're going to withhold some money. There is no power under Congress's authority pursuant to the U.S. Constitution to compel a state to enact any law of any kind whatsoever. And Congress never attempts to do that. They say do it this way or certain money or other things will not be forthcoming. There is no guarantee that money will be lost, but I think our laws should be based on rationality and wisdom and not the possibility of getting federal money. Other than Senator Pirsch saying that these are crimes of power, which makes no sense to me at all, I haven't heard anybody try to show that a nonsexual act should be the basis of a person being declared a violent sexual offender. You can commit a nonsexual act once, and some expert can determine that you are likely to commit it again, not that you committed it more than once, but that you're likely to commit it again because of this disorder or mental abnormality, and the judge can label you a violent sexual offender when you have never committed a sexual act. And that is made possible because this bill is including nonsexual acts as a basis for finding somebody to be a violent sexual offender. That would be as ridiculous as saying that a person can be charged with speeding if he or she is sitting in a stationary care because it's likely, when the person starts driving, he or she will exceed the speed limit. The car is