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going to jail. Why is it any different than what we're doing here?

SENATOR FOLEY: Well, I don't know. I'm going to keep listening, Senator Aguilar. But I just want to be honest with you. As a supporter of this bill, I'm troubled by the issue that Senator Chambers is raising. And I'm...my support is slipping just a little bit, and I wish you'd reconsider whether or not we really need that particular section. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President and members. Senator Aguilar, that little bee that's been buzzing around this Chamber has buzzed over to my desk too. (Laugh) And same song, second verse, to some degree. And I didn't hear everything that Senator Foley said, but I too have questions about those two lines. And if I heard you correctly earlier, you said that in fact was the essence of the bill for you, those two lines, 4 and 5, under Section 4, which say, impose short-term jail sentences. So you probably don't even want the bill if we would strike this language. Am I reading you right?

SENATOR AGUILAR: Okay. What I am getting from the judges is, if they don't have the authority to hold this hammer, if you will, they have no way to make sure that the participants are going to follow the rules. What incentive do they have, you know? If they know they're looking at jail, that's just that more incentive for them to follow the rules, test clean, do what they have to do to graduate.

SENATOR SCHIMEK: Well, Senator, first of all I would suggest to the judge that if these people don't want to follow the rules then they ought to be sent back to the sentencing court and they ought to be sentenced. If they don't want to participate in the program, then that's their choice. Kick them out of the program. If they do want to participate in the program, but for some reason or another have not complied with one of the provisions of the program, then there could be some kinds of sanctions within the program. But to send them to jail for something they didn't comply with, I don't think we can do that.