

Thank you, Mr. President.

SPEAKER NICHOL: Senator Hoagland, please.

SENATOR HOAGLAND: Mr. Speaker and colleagues, Senator Higgins is intending to present, as I understand it, three amendments to the committee amendments, two of which are not particularly important and one, I think, is. Each of her amendments represents a value choice, a value choice where she differs with the decision made by the committee. Now what Senator Higgins is asking us to do here is to raise the penalties above those that the committee chose. Let me just make a couple of comments about that. As I indicated earlier, the committee amendments assume that five things are to be illegal. The first four things the committee thought should be penalized, should carry a penalty for first offense of a five-year felony, and for second offense and subsequent offenses, a 25-year felony. Senator Higgins is attempting to raise those from the first offense from a five-year felony to a 25-year felony, and for second offense from 25 to a 50-year felony. Now I have passed out to you this schedule of what the penalties are for felonies and misdemeanors and put boxes around the issues that we are discussing here. I don't think this is a particularly important change, or particularly important amendment because I don't think, in any event, are the judges in a sentencing situation going to get anywhere close to the penalties provided for in the committee amendments, let alone the penalties that would be provided for by Senator Higgins. But let me just make a couple of comments. It was the committee's opinion that five years for the first offense, and 25 years for second and subsequent offenses was more than enough to give judges the latitude they need to adequately punish an offender. Now I think our feeling is that to allow a maximum of 25 and 50 years tends to make a mockery out of our sentencing scheme, because the truth of the matter is that an individual simply is not going to be given a sentence of that magnitude for either first or subsequent offense pornography. As a practical matter, based on the way sentences are handed down throughout the state, a substantial percentage of first offenders are going to be given probation. That is whether our statute requires a maximum of five years or a maximum of 25 years. Senator Higgins, incidentally, in her argument in support of this amendment, mentioned the fact that there is a one-year minimum coupled with the 25-year maximum. But that one-year