

words, under probation, which is a system we have set up to take care of these kind of cases, why do we need this bill?

SENATOR CARSTEN: I would say this, Senator; this would really set out by statute a choice that a judge does have even though he may be able to do it now. I'm not clear on other statutes in this area. I do know that they do this in some places. I can't, I think that we do pass legislation many times that permits what is already being done, as far as that's concerned.

SENATOR LUEDTKE: All right, one more question, if you will, Senator Carsten.

SENATOR CARSTEN: Yes.

SENATOR LUEDTKE: When it says; shall sentence such person to work on a public street, it does not clarify whether or not they must for 10 days, let's say, is this the same as a jail sentence where they will have to spend their nights in jail or it doesn't say yes or no on this.

SENATOR CARSTEN: I, uh--

SENATOR LUEDTKE: It says; under the supervision of the County Sheriff which would make me believe that they're under supervision for 24 hours, they'd be in jail.

SENATOR CARSTEN: I think the intent, sir, is for it to be under the supervision of the Sheriff in the performance of the fine, not necessarily, that is the intent.

SENATOR LUEDTKE: The work, the work is under the supervision--

SENATOR CARSTEN: Yes, yes.

SENATOR LUEDTKE: But, my question goes to whether or not this means that they can live at home or wherever they live and perform this sentence under the supervision of the Sheriff and then that would constitute the punishment for the, whatever it is that they have been convicted of.

SENATOR CARSTEN: That's my understanding and the intent, sir.

SENATOR LUEDTKE: Yes, all right. Mr. President, I again would renew my suggestion to this Legislature that this bill is unnecessary. I feel that there is ample power in the courts through their discretionary authority and through probation, to do just what Senator Carsten wants. I am sure that what he says is true, that there is need for flexibility in this area, to treat juvenile offenders in various ways and in fact, I am concerned greatly about this for the reason that this will be used most generally with juveniles and when you use the word sentence, when an individual is brought in under the juvenile, into a juvenile court for a juvenile act, you normally do not talk about a sentence. You normally do not talk about a conviction even. You are talking about the fact that this child has been determined to be a juvenile delinquent; that he is put on some form of probation with conditions attached. Conditions can be performing work or what have you. I also am opposed to it for the reason that I believe sincerely, that the reason that people are for this bill, is that the harshness of the minor in possession law, demanding \$100 fine, has caused the parents to pay this fine and I know of many cases that I have handled where this is true and the parents will just go right ahead and pay it and then junior gets off without--he says, oh, my dad'll pay it, or somebody will pay it and I won't have to worry about it and I think this has been the motivation for this particular bill. Whereas, the parent is giving up his responsibility, he doesn't follow through and make that child do some kind of work and pay back that fund. I have personally