

SENATOR DUIS: Does this say may or shall?

SENATOR LUEDTKE: Well it is up to the judge where he send them, of course.

SENATOR DUIS: But does the judge need to send them someplace?

SENATOR LUEDTKE: No he can put them on probation or anyway.

SENATOR DUIS: That's fine, that is what I need to know but the situation is entirely left up to the judge?

SENATOR LUEDTKE: It is anyway, and it would be no matter what bill we passed.

SENATOR DUIS: No, in this particular bill, if he writes a check of a thousand dollars or five hundred or three hundred, or whatever we set on, now the judge does not have to sentence him, unless he wants to.

SENATOR LUEDTKE: Well the judge can always, what I am saying is that has nothing to do with this bill because that is the prerogative of the judge through the probation system anyway.

SENATOR DUIS: This is exactly what I am getting at, I think the judge has the power now to do what they are trying to do in this bill, in other words, he can accomplish penal reform without the passage of this bill because he can do it right at the present time.

SENATOR LUEDTKE: He can put them on probation but he can not send them to a county jail.

SENATOR DUIS: Alright, but what I am saying is he still doesn't to send them to the state penitentiary?

SENATOR LUEDTKE: That is correct.

SENATOR DUIS: In other words, that judge in his wisdom, can keep those people out of the state penitentiary right now.

SENATOR LUEDKTE: And they have been doing it.

SENATOR DUIS: Alright, then we are talking about 12½% of those people being in there and we want to get them out of there. Now, why didn't the judge get them out of there in the first place?

SENATOR LUEDTKE: I wouldn't have the slightest idea. You would have to take each case up individually and even then it would be up to the judge.

SENATOR DUIS: That is what I am getting at, what do we actually accomplish if, that the judge couldn't have done already?

PRESIDENT: The Chair next recognizes Senator Fred Carstens and then Chambers and then Nore. Senator Carstens?

SENATOR FRED CARSTENS: Mr. President and members of the Legislature, I have been thinking about this bill for quite a long time since it was introduced in the previous session and I go along with the theory that might be brought out for justification of this bill, but practically I think that it is a very poor piece of legislation for this reason. We already have a great deal of trouble. This will make check writing under a thousand dollars, unless there is an amendment that I am not aware of a misdemeanor, an equivalent of a misdemeanor. And misdemeanors are not extraditeable from other states, and the problem that we are already having is the, that these check writers are not sweet little fellows from home town who are short of money and always going to the liquor store, they do all manner of things. I had one recently,