

misdemeanor and the penalty for a Class II misdemeanor?

SENATOR HOAGLAND: A Class III misdemeanor, Senator Higgins, is a maximum three months in jail.

SENATOR HIGGINS: And the II?

SENATOR HOAGLAND: A II, I believe, is a maximum six months in jail.

SENATOR HIGGINS: Okay, thank you, Senator.

PRESIDENT: Your time has expired, Senator. Senator Smith, did you wish recognition? May we have order in the Chamber, please? (Gavel.)

SENATOR SMITH: Mr. President, could I...I'd like to ask for a further clarification from Senator Hoagland.

PRESIDENT: Yes.

SENATOR SMITH: You made the statement that you felt that distributors were the same as sellers. Are you including young people then in the classification of being a seller if they have some of these look-alikes and they give them to the young people?

SENATOR HOAGLAND: Yes, if they're...Senator Smith, in order for a high school student to be charged with distributing he would have to have enough in his possession to make it clear that it's for more than his personal use.

SENATOR SMITH: And so then you're classifying that as a seller.

SENATOR HOAGLAND: Oh, yeah. Then he...well, he would fall under the category of seller or a possessor with intent to distribute. See, all through our drug laws at the federal and state level we talk about possession with intent to distribute and the way the prosecution proves possession with intent to distribute is of sufficient quantity on the individual that he could not be having it only for his own use.

SENATOR SMITH: Okay, now then I guess maybe I probably should know more about the bill, but I don't so I am asking