

are also gradated, depending upon the amount of damage done. But for \$100 or less it is a Class III misdemeanor which is again, comparing to the infraction where the first offense is a maximum of a \$100 fine, the first offense here could be seven days...could be three months in jail or a \$500 fine. So, again, we already have a law, it clearly fits. It is clearly more deterrent, has more of a deterrent effect than what is being suggested to you here today and, if you can get people to prosecute, will have a far better effect on preventing the loss of materials than changing the law to a lesser penalty. I suggest to you that if somebody suggested in the area of murder, or the area of robbery, or the area of rape that all the penalties should be reduced dramatically in order to get more of a deterrent, you'd laugh them out of this Chamber. It is contrary to the whole theory of our criminal law. Everything we are doing, currently, is structured on the theory that the greater the penalty the greater the deterrent effect. So that is subsection (2). That is clearly covered by criminal law mischief. Now subsection (3) talks about receiving library material, "knowing or believing it to be stolen," so it is receiving stolen property. That is covered also by 28-517 of our statutes. It says a person commits theft if he receives, retains or disposes of stolen, movable material of another knowing that it has been stolen or believing that it has been stolen. So if you've taken library materials, and selling them to somebody else, it is clearly covered under theft of receiving stolen property. Again, the penalty on that is higher than an infraction. Now subsection (4) of Section 5, which I am proposing to strike, again, I am proposing to strike all of Section 5, says, "Any person who willfully conceals library material with the intention to deprive the library of ownership," again that is clearly covered under the theft statute. Again there is a greater penalty, much greater than for an infraction, and Section 5 is similar to that. Section 6 says, "Any person who deliberately provides the library with false information concerning his or her identity and address with an intent to gain a pecuniary benefit shall be guilty of an infraction." Well, this is covered by what we call our criminal impersonation statute, 28-608. Let me read that to you because I think again you will agree that it completely covers the situation. A person commits the crime of criminal impersonation if he assumes a false identity and does an act in his false character with intent to gain a pecuniary benefit for himself or another, or to deceive or