

what we call page 3 of the committee amendments and that is starting with, according to the committee amendments would be in Section 5 there where you're saying pages...lines, excuse me, page 3, line 5 to 7 you would strike, then you would insert this language and it says, "If the defendant is placed on probation or parole, the court may revoke probation and the Board of Parole may revoke parole if the the defendant fails to comply with the restitution order." Then there comes the problem. First of all, down to that point it says the court may revoke probation and the Board of Parole may revoke parole. It would appear that that could be interpreted as both having to be done at the same time in other words, if you use the word "and" at the beginning of the third line in your amendment. If you put "or" instead of "and" then you could say, if either one of those is done. You don't force them to do both at the same time or something like that.

SENATOR PIRSCH: Correct.

SENATOR GOODRICH: So I think you've got a little problem. You should put "or" instead of "and", but the last sentence there, it says, "In determining whether to revoke probation or parole, the court or Board of Parole", thud, nothing. What...how do you...what's that mean?

SENATOR PIRSCH: Then it goes to the original committee amendment.

SENATOR GOODRICH: It says, okay, then it would read "In determining whether to revoke probation or parole, the court or Board of Parole in determining"?

SENATOR PIRSCH: "Shall consider the defendants earning ability and financial resources, the willfulness of the defendant's failure to pay, and any special circumstances affecting the defendant's ability to pay."

SENATOR GOODRICH: But you're striking lines 5 through 7 which is the first two lines of that..

SENATOR PIRSCH: Right, and then...

SENATOR GOODRICH: That's a sentence all by itself.

SENATOR PIRSCH: And then it begins...