

attempt to make crimes of equal severity punishable by the same class of felony and while I laud Senator Higgins' motives here, I think we've got to be careful about not distorting that penalty section so that we have anomalous...so we go in and select particular crimes that we may have personal feelings about, may for one reason or another think are particularly heinous and treat those differently. So I guess I'm sort of standing here as Senator Beutler, the Chairman of the Judiciary Committee would, if he were here, and asking to preserve the uniformity, preserve the statutory structure that we currently have and not because of a particular emotional problem of the moment, interrupt that uniformity in a way that we will surely regret in the future. Because remember, there could be many, many cases where an individual is arrested with say five of the same photographs, he is a first offender, his possession of those photographs is entirely innocent, but under Senator Higgins' amendment would be required to spend a year in jail if the judge chose not to put him on probation. So I would urge that you not adopt the Higgins amendment for those reasons. Thank you.

SENATOR LANDIS: Thank you, Senator Hoagland. Senator Chambers, followed by Senator DeCamp and then Abboud.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have always been opposed to this tendency to impose exceedingly harsh penalties on conduct that we decide to criminalize. If you'll notice between a Class III felony and a Class II felony there is an overlapping. One has a maximum of 25 years and the other 50 years, the minimum for both is the same. Now a lot of times we can put things into the statute that will lead the public to feel that we are being hard on a particular crime and we can even misstate what crime we're talking about. You're not talking in this bill, the way it's drafted, about a child molester. What you're talking about, and this needs to be kept clear and I've tried to point it out to the Legislature with no success on other issues, is that you can have kids in high school who will have these kind of pictures and the language of this very bad law, and it was bad last year when they put it into statute and I was opposed to it. If you look at page 3, if a person provides to any person one of these pictures, he or she would be guilty of this felony. You would be guilty of a harsher offense, of a greater offense, and punish more harshly for having one of these pictures, if you're a high school student and show it to another student, than if you committed third degree sexual assault. We are talking about