

criminal act you're going to have to prove intent and the law calls that a guilty intent. It's called mens rae. You don't need to know the old words but it...basically, you have to prove that people intended to violate it and they did it intentionally or willfully. I think you can use...in criminal law, you can use those two words interchangeably. The only exceptions are things like speeding. You're driving down the road, you didn't intend to speed, you were just inattentive and you were speeding 70 miles an hour. The county attorney, in that case, doesn't have to prove you intended to do that but that's because of the nature of that crime. Any other crimes, you would have to prove, always do you have to prove that you intended to violate the law. And that's the reason that you will see in criminal cases ignorance of the law isn't a defense, otherwise everybody could stand up and say, well, I didn't know that was against the law. And so the county attorney will always have to approve criminal intent. And so the wording here is willful and knowing?

SENATOR DIERKS: Yes.

SENATOR KRISTENSEN: Quite frankly, I think that's roughly the same standard that you have in a criminal case now. I really do. I don't know that it's any more difficult because I'm always going to have to prove intent with any crime that I have.

SENATOR DIERKS: If you were a prosecuting attorney that were taking a case for a farm family, for instance, that felt like they were being abused of the clean air act, would you prefer to have this language in the bill or would you prefer not to have it there?

SENATOR KRISTENSEN: Quite frankly, I don't know that it would make me a lot of difference, Senator. I think that it's the same standard because I know if I'm going to have to prove a criminal case, I'm going to have to prove beyond a reasonable doubt all the elements and one of those elements are that they intended to do that. And so in any...I guess it just doesn't make me a higher standard at all, it's probably something that you may not have to even have those words in there but I think it's roughly the same.

SENATOR DIERKS: Thank you. Senator Baack.

SPEAKER BAACK: Senator Dierks, it's been explained to me too