

intentionally manufacturing, distributing, delivering, dispensing or possessing with intent to manufacture, distribute, deliver or dispense cocaine or any mixture containing cocaine in a quantity of seven or more ounces or crack. The Class ID felony is distributing, manufacturing cocaine or crack in a quantity of at least 10 grams, but less than 28 grams. The Class II felonies are criminal attempt at murder, kidnapping, criminal conspiracies, kidnapping in certain instances, sexual assault in the first degree, robbery and arson in the first degree, assault on an officer in the first degree and it goes on, using explosives to kill or injure any person. What...and then Class III felonies include insolvent bank receiving deposits. It has a lot of white collar crime as well as the violent crimes. What this first amendment says is that because we have thought these crimes were so serious we have said that they will have a minimum and for those crimes that are so serious that we have established a minimum for them, now Senator Witek with this first amendment is saying that if indeed those are those more serious felonies, that those who are convicted of them will not be eligible for probation. Can you imagine someone who has been convicted of first degree sexual assault getting probation? How would you feel about that? Any of these others...

SPEAKER BAACK: One minute.

SENATOR PIRSCH: ...which are violent crimes or crimes of such a magnitude that we have held in such horror that we have put a minimum in for them, and in doing that minimum, we also say that there should be no probation for those kinds of crimes. That's really what this amendment says. Thank you.

SPEAKER BAACK: Thank you, Senator Pirsch. Mr. Clerk, an amendment to the Witek amendment.

CLERK: Mr. President, Senator Chambers would move to amend Senator Witek's amendment. On page 1, line 14 strike the word "mandatory" and show it as stricken. Page 1, line 14.

SPEAKER BAACK: Senator Chambers.

SENATOR CHAMBERS: Mr. President, Mr. Speaker and members of the Legislature, I'm going to attempt to dismantle some of the harm that has been done in years past and restore the classification of penalties to its pristine form. This inclusion of these