

was a judge in a state, he had been considered soft on criminals, so some guy got charged with theft or something relatively minor so, to show that the judge was not soft on crime, the judge sentenced this guy to a longer period, I think it was several thousand years, or maybe 1,000. But it didn't make any difference because of the number. And he sentenced this person to this long term, because he was irritated at the public for saying that he, the judge, was soft on crime. Let's say that a person had a punishment like that imposed, it would be good for a matter like that to go to the Supreme Court and a policy decision could be articulated by the Supreme Court which would apply in every other case thereafter. A similar situation arose in a case that the U.S. Supreme Court was considering, and they used an example. The Supreme Court of the United States said that a Legislature has the power and the right to make the drinking of one drop of liquor...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...a crime, making one drop of liquor a crime. But it would be cruel, unusual punishment and a violation of the Constitution to total up the number of drops of liquor in a glass of liquor, make each drop a separate offense, and sentence a person to an indefinite period of imprisonment. That's what the Supreme Court said. So by the Supreme Court making that statement, it placed a restriction on what Legislatures can do in terms of attaching punishments to offenses. The IB felony allows the kind of sentence which would be totally irrational and unfair by anybody's reckoning. I feel that this is a category of offense that ought to be guaranteed and appealed to the Supreme Court, and that's why I hope you will adopt the amendment. Senator Kristensen,...

SPEAKER BAACK: Time. Senator Chambers, your light is next, so you may continue.

SENATOR CHAMBERS: Thank you, Mr. Chairman. Senator Kristensen's only objection, if I understood him correctly, is that he does not want to change the system from what it is based on the way he originally drafted the bill. So now I will ask him a question, if I may.

SPEAKER BAACK: Senator Kristensen, will you respond.

SENATOR KRISTENSEN: Sure.