

engage in conduct which is recognized as being sick, those people ought not be destroyed. A society.... I've said it when we discussed the death penalty and I'll say it here, I'm not in favor of rape. I think it is a terrible thing, nevertheless, the judgement of a society should be based not on how it rewards those who do good things, but how it deals with its offenders, because the punishments devised tell more about the punishers than it does about the offenders. There are a multitude of circumstances and factors that can lead to somebody committing an offense which the law has made into a crime. What is the basis for the very overly harsh punishments? Punishments are to serve, if they're legitimate, to protect society, to obtain a degree of retribution from the offender so that he or she knows that this kind of conduct can not be engaged in with impunity, and to rehabilitate the individual. If somebody engages in sexual assault and it looks like that is the pattern of conduct, that person does not belong in the Penitentiary in the first place. That person, first of all, should be put in a position not to commit these sexual assaults against anybody. Now we just have to determine the type of facility where the person is to be placed, the amount of time the person will stay there, and how that person is to be handled or treated while there. People are trying to do away with treatment of alcohol problems as crimes. If the state is going to adopt the humane and enlightened and civilized philosophy of treating all sicknesses rather than punishing them, we cannot look just at the results of the sickness, we cannot just look at what this sickness causes the afflicted person to do. We have to zero in on the fact that there is a sickness here and then treat it as though it is a sickness. If a person developed cancer, that person is not sentenced to a year in the Penitentiary for developing a cancer. Cancer is a dread disease. Communicable venereal diseases are not even considered crimes. But here is a situation where we may be dealing with sick people. I think that Senator Murphy's proposed penalty is overly harsh, it serves no legitimate end that a penal system is designed to serve. I think it would indicate that the Legislature is going back into the medieval times. The next step, and some people offered this one time during a Judiciary Committee hearing on subjects like this, would be castration. We can become so hate-filled ourselves, we can become so controlled by fear and so patterned in violence that when we call ourselves preventing and punishing an offense, we commit a greater offense than the original one. I can understand Senator Murphy's concern about these types of reprehensible deeds. We are not dealing from the standpoint of the hostility and heated emotions that are generated by this kind of act being perpetrated. We are a body of deliberative, intelligent, humane, civilized law-makers in 1977, trying to determine what the societies attitude ought to be toward those who violate its laws. That attitude should not be to degrade, demean and reduce to a sub-human level. The only thing, Senator Murphy, that somebody has going for him or her when they violate a law, and we think that conduct is extremely reprehensible, the only thing that person has going for them is not what they are because society has concluded they are nothing. The only thing they have going for them is what we are, and what we have in us. If we're trying to end brutality and reprehensible conduct in them, we have to set the tone and establish the pattern. I don't think that is done by establishing these overly harsh, self-defeating penalties. I'm opposed, Senator Murphy, to your amendment.