

whether or not the sentence imposed will afford adequate deterrence to criminal conduct. Does that mean deter other criminals? Does that mean to deter this particular offender? Exactly what is meant by that. The court, you look at the next section, the court is to consider whether or not the sentence itself will protect the public from further crimes by this particular defendant. In other words, whether the sentence will lock up the individual for a long enough period of time. Now the State of Minnesota three years ago in its Legislature established for the first time, and it is a relatively unique provision, a sentencing commission, the purpose of which is to set very tight benchmarks for the imposition of sentences and that commission does not allow courts a lot of latitude in terms of setting sentences. If a court is to deviate from one of the benchmarks set by the Minnesota Sentencing Commission, that court has got to find very good reasons for deviating from the benchmark but the State of Nebraska has never done that. We still are saying to the courts, you may sentence a criminal offender from one to five years. You may sentence a criminal offender from five to ten years. You have got a lot of flexibility but we have not by statute really outlined clear criteria for how we want defendants sentenced. What we have here is an articulation of some criteria but I submit it is not a well-thought through articulation. It is not a well-conceived articulation and it is truly premature. I genuinely think that one of the things that you and I as a body and the Judiciary Committee in particular needs to do is to spend a considerable amount of time working on sentencing criteria so that we really can tell almost to a person whether a given sentence is excessive or too lenient. But to put this in the law allows further subjectivity, muddies up already muddy water, and frankly continues to take us further and further afield from really doing justice in our overall criminal system. I don't think this is the appropriate time for us to be dealing with this bill. I think that we need to wait a year. We need to spend some time going through sentencing criteria and we can come back with a solid piece of legislation that can take care of the particular problems which the county attorney has raised. It is for that reason I oppose the measure.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, although I have not discussed the matter with either Senator Nichol or Senator Johnson I find myself having arrived at exactly the same conclusion as Senator Johnson by an independent route. I, too, am aware of the Minnesota Sentencing Commission. As a matter of fact, I have written