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be clear not to mislead you but that is the concept.

SENATOR HABERMAN: Could not an attorney successfully defend someone and prove that it was not premeditated?

SENATOR BEUTLER: Well, certainly, Senator Haberman, in any court of law if the defendant or if his attorney feels that there is a case to be made that it is not premeditated, they will certainly argue that it is not premeditated, right.

SENATOR HABERMAN: Okay, thank you. So in theory then this just blows what you are trying to do because you are saying that unless it is premeditated they are in there for life, but if somebody proves that it isn't premeditated, they can get out.

SENATOR BEUTLER: No, no.

SENATOR HABERMAN: Oh, yes.

SENATOR BEUTLER: This amendment doesn't have anything to do with nonpremeditated murder. We are leaving all that as it was. The only thing this amendment does is changes the law with regard to premeditated murder. As you are aware, that is the only...premeditated murder is the only type of murder to which we apply the death penalty currently. So I am just taking that category to which we apply the death penalty...

SENATOR LAMB: One minute, Senator Haberman.

SENATOR BEUTLER: ...and narrowing it, Senator Haberman, and substituting a true life penalty...

SENATOR HABERMAN: You are saying that any person convicted of murder in the first degree shall be guilty of either a Class I or a Class IA felony if he or she kills another person purposely and with deliberate and premeditated malice while legally confined in or under the care, custody, or control of a jail or correctional or penal institution.

SENATOR BEUTLER: Right, just in that situation.

SENATOR HABERMAN: Well, what I am trying to say is somebody could prove that it was not premeditated under any conditions.

SENATOR BEUTLER: Sure, that is always arguable (interruption).

SENATOR HABERMAN: So, therefore, when you stand up and say that by adopting your amendment you are going to put them in the pen for life, thirty years, but you are saying for life, that possibly could not be true because they could