

We send a signal out there and I just don't feel we should do that. We have to remember that we have to change our society from recognizing the criminals and instead recognizing the victim. I have a statement here that I just got today and it tells me what we are doing. In any civilization the basic question that should be asked of any offender is how do you intend to make amends for your injury you have caused your victim and/or society? A criminal act should not be paid for only through serving time and thus further injure tax society but through concrete restitutional acts. Such a perspective possesses a historical precedent in the code of the ancient Persian law, Roman law, Germanic law, and the Anglo-Saxon law. In the Anglo-Saxon law, for example, a monetary payment called a bond was made by the offender to the victim in an attempt to right the wrong. However, this restitution orientation began to erode in the 17th Century. Instead of the victim receiving the entire compensation, the king began receiving the part of payment as his role, as the state's share increased, and eventually the entire compensation went to the king, that is our state. Consequently crime became to be viewed as an offense against the state and corresponding to this change the victim's importance in role declined. As restitution declined in significance, the state increasingly and primary philosophy in the state's approach is the criminal offender while the victim became the forgotten party. Now is the time to reverse this trend, if for no other reason, the price of punishment is cost prohibitive. And that is the reason I am opposed to this amendment as Senator Schmit is. I mean I feel that we are beginning to recognize that society can pay and society cannot pay and we have to recognize it and I feel the Reparation Board is doing this but we are sending a message that society can pay and I feel that is wrong. So I would highly endorse this amendment.

SENATOR LAMB: Senator Warner, did you care to address the Schmit amendment?

SENATOR WARNER: Again, Mr. President, I would merely point out that the purpose of the amendment in essence is to put a cap on it. As a matter of fact as I recall, they do not reimburse those who apply now unless their insurance has been used up and their unemployment comp has been used up if that was available, whatever other assets that they had, that also it provided assistance because of the crime to offset the loss of the crime, the state did not come in in any event. The only difference that we are suggesting here is that there probably ought to be a need qualification as well. As a practical matter you are not going to probably submit tremendous or have approved tremendous request for