

minimum and the maximum. So a judge can sentence somebody under a IB felony to ten years, period. They can do that. The judge can do that.

SENATOR L. JOHNSON: Right.

SENATOR CHAMBERS: So what are you talking about when the sentence is really less than ten years? Isn't this, again, giving the appearance that the Legislature is getting tough on drugs, and yet we are not really doing anything?

SENATOR L. JOHNSON: Well, I think in the final analysis, Senator Chambers, would it not also be true that the judge has that ability to set that penalty within the realms of this?

SENATOR CHAMBERS: Yes, and he has the power, he or she has the power under all of the classifications below that down to a Class III felony because the maximum is 50 years. Judges can sentence up to 50 years right now and they are not doing it. So what makes you think by putting this language in the law and then giving the speeches that are being given on the floor here today that these judges are going to give different sentences than they are giving now? What makes you think that?

SENATOR L. JOHNSON: I guess by our own interpretation of it, or at least mine, on this particular amendment that is offered, does indicate to those people, not only the offenders, but to those who work on the sentences that we feel that this is an insidious crime using youth under 18 years of age.

SENATOR CHAMBERS: Well, what difference does what we feel about it have to do with what a judge is going to actually give as a sentence because by setting these existing punishments, a Class IB felony, which is two levels below the one you are talking about, has a maximum of 50 years. Now a judge right now can give a stiffer sentence than under what you are talking about, 10 years to life. Right now he can give up to 50 years, he can give a sixteen and two-thirds to life, and that would be more than a flat 10 years under the Class IB which is the stiffest penalty you are talking about. It doesn't make sense but I am not going to keep asking you questions. I am on my time, and then you can respond to it, but I wanted enough out there for you to see what I am talking about. Members of the legislature, there are some judges who have common sense and they know that nothing happens in a vacuum, that the Legislature