

instead of 10 years to 50 is going to make the judge set a stiffer sentence? What makes you think that?

SENATOR PIRSCH: Well, I believe, unlike you, that judges do look at the intent of the Legislature and that the 10 years would be the minimum in this case which would be a stiffer penalty for what we consider a more serious crime.

SENATOR CHAMBERS: Thank you. Senator Kristensen, may I ask you a question. If a judge can set a sentence from 10 to 50 years and sets just a flat sentence of 10 years, what is the effect of that?

SENATOR KRISTENSEN: That becomes the minimum, and a 10-year sentence, actually what they get is the good time provisions would kick in so that becomes the minimum, any flat figure in there.

SENATOR CHAMBERS: And it would be less than that amount that he had set?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: So do you see what I am trying to tell you in the Legislature. Even if it is 10 years to life, it doesn't matter what kind of felony the prosecutor calls it as far as the sentence. It doesn't matter what it is called. You have to look at what is available as a sentencing range. So the judge can say 10 years in any of these categories, and then it is 10 minus the good time. So it is not even 10 years. I am trying to explain what I had started by mentioning that people who don't deal with these sentencings think they are doing something when they are not. And these judges are not going to be carried away in the same way we are, unless they are sentencing a black person. And that is why I think these kind of laws are so desirable. The study that was done on the court system, as far as sentencing in Nebraska a few years ago, and I have a copy of it, demonstrated the disparate sentencing, demonstrated it. When you took into consideration every variable,...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...the racism was still there to a greater extent in Douglas County than anywhere else because more black people and other nonwhites were sentenced there than anywhere