

Because we all too often deal in political slogans in which we pass measures that are seemingly popular but run afoul of the constitutional muster that we know to be the case...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...and yet we don't have the discipline to stop ourselves from doing the politically popular but unconstitutional act. Secondly, it's appropriate for a person who bears this burden personally to clarify our law to cleanse it of unconstitutional provisions. We should recognize that that is a public benefit. All of us get the benefit for the one person who goes to court and teaches us all that we have done an unconstitutional act and that that needs to be cleansed from our books. That is a public act in which we should all bear the cost. I have two more comments. One of them, as a matter of legislative history, I should hope that the Supreme Court would be very, very careful in its application. It is possible for constitutional law doctrine to change over time. It is possible that a criminal law could have been passed in a day in which it would not be unconstitutional, to have a change in constitutional law doctrine as announced by the court and then have that preexisting...

SPEAKER BAACK: Time.

SENATOR LANDIS: ...criminal law be constitutionally suspect. I would hope that the court would be very, very circumspect in awarding damages in that kind of a situation. It would not be appropriate, in my estimation.

SPEAKER BAACK: Thank you, Senator Landis. We'll go to Senator Kristensen.

SENATOR KRISTENSEN: Senator Landis, did you want to finish? I would yield part of my time to Senator Landis.

SPEAKER BAACK: Senator Landis.

SENATOR LANDIS: I'll just take one minute here. I just want to make sure that the record is complete because I'm speaking not to the body so much as to the legislative history that might be interpreted later on. I want to go back to the scenario very, very briefly. It is possible to pass a constitutional law that is a criminal law at the date of passage, subsequent