

door in dealing with the issues of criminal justice...

SPEAKER BAACK: One minute.

SENATOR ASHFORD: ...and inconsistency of sentencing. It leaves the highest court in the state directly involved in making decisions on those cases which are of the greatest import, which have the most effect on society, generally, because these crimes tend to be and can be and are crimes of violence that affect the lives of many, many people, no matter how the case is decided. So I strongly support Senator Chambers. I urge the rest of the body, who I'm sure most of whom are going to vote for this bill, including myself, to please consider this as a good, solid, friendly amendment to the bill. And, with that, I urge its passage. Thank you.

SPEAKER BAACK: Thank you, Senator Ashford. Is Senator Schmit in here yet? I do not see him. We'll go to Senator Conway.

SENATOR CONWAY: Thank you, Mr. Speaker. I would yield my time to Senator Chambers.

SPEAKER BAACK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, and to the record, when we talk about criminal justice the term criminal usually slants people's attitude toward the negative. They think, when they hear that word, of somebody who has committed a dastardly act, who has been properly accused, properly charged, properly prosecuted in a fair trial, convicted and then appropriately sentenced under the terms of the law. But what we have to remember is that before a person arrives at the status of being a judge...a criminal, that person is accused. And while a person is in the status of accused, he or she is presumed, by the law, to be innocent. When we have discussions of the kind that we're engaging in today, people tend not to think about the fact that the law is impacting on individuals who have not been convicted of a crime in the first instance. I'm sure that those people who put the Eighth Amendment to the U.S. Constitution, in effect, were not interested in protecting criminals from the punishment that they merited under the law. The purpose of the Eighth Amendment was to prevent Legislatures from going crazy and attaching punishments that were barbaric, that were unreasonable, that were irrational, that bore no logical relationship to the nature