

not going to do what those people who asked for it to be brought desire. We should not pervert the criminal law in this fashion. I am going to ask Senator Kristensen a question.

SPEAKER BAACK: Senator Kristensen, will you respond, please?

SENATOR KRISTENSEN: What do I win, Senator Chambers?

SENATOR CHAMBERS: Well, if you answer the question right, we will tell you what you win.

SENATOR KRISTENSEN: Okay, okay, it's a deal.

SENATOR CHAMBERS: Senator Kristensen, you were a prosecutor, weren't you?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: If you would not prosecute under a certain...we have an offense and say you felt that the punishment was too harsh for whatever reason and you would not prosecute it on the basis of what the offense is, but you might bring it under...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...an attempt provision of the law. If your reason for doing that was the existing law provides too harsh a punishment, if the punishment were made by the Legislature even more harsh, would that, then, make you prosecute under the more harsh provision?

SENATOR KRISTENSEN: No, can I expand?

SENATOR CHAMBERS: Yes, yes, go ahead.

SENATOR KRISTENSEN: My answer to you would be no. Generally, I didn't prosecute based on if I thought the punishment was hard or not because I felt that was the judge's job to meet out punishment.

SENATOR CHAMBERS: Yes.

SENATOR KRISTENSEN: My job was if I felt there had been a crime committed, my job was to prosecute, then obtain a conviction.