

SPEAKER WITHEM: Thank you, Senator Lindsay. You have 11 seconds left at the conclusion of your remarks. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I'm opposed to this amendment. Sometimes when these areas of the law are dealt with, we fall into that political thicket again where people are either campaigning for their next run for office or trying to do something that they indicated in their former campaign for office they would do. And, as a result, they're willing to make a shambles of the law, make the job of those who must administer corrections facilities and the prisons practically impossible. They create very serious problems in a flippant, careless, irresponsible manner. First of all, an amendment like this would be unconstitutional if it were added to this bill because determining whether or not a person gets good time, in the first instance, is a legislative decision. Either good time is allowed or it is not. Once good time is allowed, it must be allowed to all on the same basis or there is a denial of the constitutional guarantee of equal protection of the law. You cannot make the granting or withholding of good time discretionary with the judge. The judge exercises his or her discretion at sentencing time. That is the judicial function. So if a judge has one of these minor offenses come before him or her and is imposing a sentence, that is the point at which the judge makes it clear how serious he or she views the violation by the range of time given at sentencing. Once the sentence has been passed, and the person is turned over to the corrections people, it then becomes their responsibility to administer the portion of the law that relates to incarceration. When we pass a good-time statute we are giving a tool of administration to those who administer the corrections facilities. In this instance, the number of days of good time must be determined by the Legislature. If the person who is incarcerated violates rules and the violation is sufficiently serious then good time is taken. There are too many people in the Legislature, some have just arrived, others have been here a long time, who will not take the time to understand how the system works, the distinction between the judicial action, the legislative and the executive. Senator Hudkins' amendment, which was adopted, was based on a ruling by the U.S...by the State Supreme Court which indicated that once a sentence is imposed the only available entity which can reduce that sentence is the Pardons Board. They are the only ones who can reduce it.