

but the courts have for the most part left us alone because we have been doing measures, doing things that have convinced them that we are on the right track as far as their protection of the rights of inmates. In your view, are we at a point now without the modulars and if we have plenty of money for new prisons, what have you, are we in a period of time where we should fear that the court would intervene and step in?

SENATOR CHAMBERS: Senator Bernard-Stevens, since Senator Lindsay is back at his desk, I'm going to let him answer that question because I have a much different attitude toward this whole thing and I don't want to get off on that in answering your question.

SENATOR BERNARD-STEVENS: Well, I appreciate that and Senator Lindsay heard the question so, John, if you can respond, I'd like to engage a little dialogue on that.

PRESIDENT ROBAK: Senator Lindsay.

SENATOR LINDSAY: Thank you, Madam President. Senator Bernard-Stevens, your question is are we in a better position now, are we in the same position now, is that?

SENATOR BERNARD-STEVENS: Or if we did absolutely nothing but said we were going to begin the process of building a new prison in the future, whether it's the planning dollars or no planning dollars, we say we're just going to do it, are we...is there a real fear out there that the courts will step in now and say you're in trouble, you're going to have to release or you're going to have to build, even if we're in that process?

SENATOR LINDSAY: I think so.

SENATOR BERNARD-STEVENS: Okay. Why have they not in the past? We have been equally overcrowded in the past, but they have not.

SENATOR LINDSAY: We've been...I believe the last time that there was a serious concern we were at about 157 percent of capacity.

SENATOR BERNARD-STEVENS: Correct.

SENATOR LINDSAY: But at that time, we had 400 beds in