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SENATOR CUDABACK: Thank you, Senator Tyson. Senator Lynch, on the amendment to the amendment.

SENATOR LYNCH: Mr. Chairman and members, except for Senator Tyson, I think most people that have talked on this issue are lawyers. I'm left confused though, although I respect everybody who spoke, the lawyers that agree, the lawyers that disagree with this issue that we're talking about now. Last year Senator Brashear and Senator Chambers stood up here for quite a few minutes, if not hours, reciting example after example of how the law was not fairly applied as it regarded the death penalty. Some people got the death penalty, others who created...caused even more havoc, did more heinous crimes did not receive the death penalty. So it's a fairness issue. The death penalty, I guess, can be considered a fairness issue. I've probably come full circle on this. On this issue I'm going to have to vote today. And I don't usually stand up and tell people why I think I'm going to vote, but on this particular case I thought I would. After that lengthy discussion about who got the death penalty and who didn't, last year, it was obvious to me that it was the luck of the draw; the judge you got, the defense lawyer you got, how much money you had, and there are a number of other things that determine whether you died or not. To be completely frank, I'm convinced, although I've supported it for some time, the repeal of the death penalty. In this particular case, based on that fairness issue, so what if it's retroactive, from a layman's point of view. That's how I look at it. I don't really know if it's good law or bad law or if it's going to cause county attorneys all kinds of work. In my opinion, at this point in time on this particular amendment and on this bill, we can't allow a system to continue to exist where the death penalty is involved, that doesn't recognize fairness. If the law says, and it probably does, and you can't do something like this, you can't make it retroactive, I say that's a shame. To be completely frank, it's probably a shame. So if this kind of amendment and this kind of bill would provide that fairness that we discussed last year that made (laugh)...terrible way to put it, but a level playing field for those that are going to die or not at the hands of the state, then that's the way it probably should be. So to be completely frank, if you understood what I said or not, that's okay. From a layman's point of view, that's how it appears to me. It's a legal battle