

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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death penalty. It deals with whether you think that people who cannot be shown to have had an intent to kill ought to be executed. I would like to ask Senator Bruning a question.

SENATOR CUDABACK: Senator Bruning, will you yield to a question?

SENATOR CHAMBERS: Senator Bruning, is it possible for the Legislature to create a punishment for a felony that is...that says 10 years minimum, 50 years maximum? Is it possible for the Legislature to create a punishment like that?

SENATOR BRUNING: Yes.

SENATOR CHAMBERS: Well, how is that possible when the Pardon Board can abolish that in the same way it can the life without parole? You said the fact that the Pardon Board can forgive a life without parole, it's impossible for the state to create that punishment. Well, how then is it possible for it to create the punishment of 10 years to 50 years, based on your argument?

SENATOR BRUNING: The societal concern is different with these ultimate criminals that they never actually be free again...

SENATOR CHAMBERS: But isn't...

SENATOR BRUNING: ...where it might not be the same with the criminal who has been sentenced to 10 years.

SENATOR CHAMBERS: But isn't it true that based on your argument the Legislature cannot impose any punishment and be sure that it will be carried out?

SENATOR BRUNING: I do not agree with that, Senator.

SENATOR CHAMBERS: You don't agree with that?

SENATOR BRUNING: I don't agree with your statement.

SENATOR CHAMBERS: Well, can the Pardon Board...

SENATOR CUDABACK: One minute.