

that five years if it was not an indeterminate sentence.

SENATOR CHAMBERS: And that means they could be considered for parole prior to the serving of that five years.

SENATOR HOHENSTEIN: Absolutely.

SENATOR CHAMBERS: Members of the Legislature, the reason I asked that question is to show you how foolish the Legislature is in doing things and we're not doing it. All we do is pervert the statute itself. You can write that if you want to, mandatory, but it does not mean it and a judge will say five years and that person is eligible for parole in fewer than five years. That's under the system as it exists so you know why they put this stuff in about mandatorics and I argued this when they were doing it? They had to get the headlines. They had to show that they were tough on crime. But the people on the floor by and large don't even understand what we're talking about. And Patrick Henry, one of the so-called founding fathers of this country, and other of his ilk in others of the colonies was more concerned about the punishments and extra crimes than the conduct defined as criminal. It was because of the punishments attached to crimes that we have an Eighth Amendment. The Eighth Amendment does not determine what shall be a crime, but what type of punishment shall be prohibited when attached or annexed to a crime. And this Legislature, which wants to give the impression to youngsters when they come down here that we think, we do our homework, we study, will corrupt the very statutes, not understand what we're talking about and bring us trash and say enact this into law but I don't know it would do...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...I don't know what it means, I think I'm talking about parole but I might not be. That's unfair in dealing with a person in that manner. You're taking an advantage of somebody's naivete, but if somebody allows themselves to be taken advantage of, it was either Barnum and Bailey, Barnum, P.T. Barnum or there was another one, something like him, who said if you find a sucker, bump his or her head. That's what P.T. Barnum or that other fellow who reminds me of him said. There's a song that says, it's a Barnum and Bailey world, just as phony as it can be. This stuff being added or attempted to be added is phony. It really does nothing.