

1 and unusual punishment inflicted. I presume it was not the
2 intention of the committee that the issue of whether or not
3 punishment is cruel and unusual could not be raised until
4 it had actually been inflicted? That is, until the sentence
5 had been served or the execution had been held.

6 THE CHAIRMAN: Delegate Kiefer.

7 DELEGATE KIEFER: Well, Your Honor, I have got
8 to look at this. This is fairly standard language.
9 Let me take a look at it.

10 I don't mean to be facetious, Delegate Bamberger,
11 but you will just have to give me a minute.

12 DELEGATE KIEFER: The first answer I could give
13 you. It is almost exactly the language of the 8th Amend-
14 ment in the United States Constitution:

15 "Excessive bail shall not be required, nor ex-
16 cessive fines imposed, nor cruel and unusual punishments
17 inflicted."

18 THE CHAIRMAN: That is exactly the same as what
19 is in Article XXV of the Bill of Rights.

20 DELEGATE KIEFER: He can complain before he
21 is punished.