

which can change the sentence or the judgment?

DELEGATE GILCHRIST: It should be the law which was in effect at the time this constitution is adopted, because this is the basis on which the present status of these things is controlled.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: If someone is sentenced in this year 1968 before the new constitution is adopted, and after the new constitution is adopted the legislature makes new laws which regard to the commutation of sentences or something of that kind, is it your purpose then that this amendment would not permit the new law of the legislature to alter the sentence imposed prior to the adoption of the new constitution?

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: No. It is quite clear that by the language in line 13 of the committee recommendation that when the law is lawfully changed that that would then become available, and this would permit a sentence to be modified, for example.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Delegate Gilchrist, I am in sympathy with what you are trying to do. The word that bothers me is "existing". I want to know, existing now, or after the constitution is adopted?

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: Obviously it would have to be the law which exists at the time at which the constitution becomes effective, because this is the law which is applicable to sentences, causes of action, writs, whatever other subjects might be involved in the recitation in lines 14 through 17.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: The question that I have is, suppose that a sentence is going to be considered in 1975. The law with regard to whether that sentence can be commuted or changed in the year 1975, would that be the law of 1968 or would it be the law of 1975?

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: If there are any new rights created between 1968 and 1975, the provisions of that section in the recommendation would take care of this, because it provides that if there is legislation which is lawfully changed in accordance with line 13, this right would obviously have to become available also; but the thing that I was concerned about was preserving those rights which are in existence.

DELEGATE JAMES (presiding): Delegate Hardwicke, I am afraid Delegate Gilchrist's time has expired.

DELEGATE HARDWICKE: May I address a remark to the Chair?

I think the amendment is satisfactory without the word "existing", because I think that "law" does what Delegate Gilchrist is trying to do.

DELEGATE JAMES (presiding): Are you suggesting that as an amendment?

DELEGATE HARDWICKE: As an amendment to the amendment, yes.

DELEGATE JAMES (presiding): Will Delegate Gilchrist accept this modification of the amendment?

DELEGATE GILCHRIST: I believe I would accept the change, Mr. Chairman. I believe that if we said "by law or in accordance" it would encompass both existing and that which is enacted in the future.

DELEGATE JAMES (presiding): Is there any objection to the elimination of the word "existing", so that the amendment will read "by law or"?

If there is no objection, we will consider the amendment so modified.

Is there any further discussion?

*(There was no response.)*

If not, the Clerk will ring the quorum bell.

The Clerk will record the vote.

Has every delegate recorded his vote?

The Clerk will record the vote.

There being 86 votes in the affirmative and 5 in the negative, the amendment is adopted.

Are there any further amendments to section 10.01? We have on the desk an amendment offered by Delegate Boyer, also markd F. This is Boyer F.

The Chair recognizes Delegate Boyer.