

SENATOR CHAMBERS: All right, now don't look at page 5. I want to ask you a question. Which do you think is worse, a person driving while intoxicated or refusing the implied consent test of the breath? Do you think that is worse than motor vehicular homicide? Which do you think is worse, first offense, driving under the influence where you do nothing except get caught for driving, or motor vehicular homicide where you kill somebody?

SENATOR BEYER: They are both bad.

SENATOR CHAMBERS: Which do you think is worse?

SENATOR BEYER: Well probably any time you kill somebody is worse.

SENATOR CHAMBERS: I don't want a probably. In your opinion, you're not sure that motor vehicular homicide is worse than...

SENATOR BEYER: Well, yes, I think it is.

SENATOR CHAMBERS: All right, if that's the case, should there be a harsher punishment for motor vehicular homicide than for first offense, driving under the influence?

SENATOR BEYER: Yes, and I believe there is.

SENATOR CHAMBERS: Tell me why you believe that.

SENATOR BEYER: Well, I think if you look at some of the court decisions that basically they, on first offense driving, they will either suspend their license or put them in jail for a while, but on the other they will suspend their license for a longer time and jail them for a longer time.

SENATOR CHAMBERS: Now if we take the amendment that is being offered there is language related to the punishment for driving while intoxicated and implied consent refusal which has a minimum sentence that is not changed. That is there right now and that mandatory minimum is seven days in jail. The first time you refuse to take the test.

SENATOR BEYER: Right.

SENATOR CHAMBERS: Is that worse than motor vehicular homicide?