

SENATOR KRISTENSEN: Well I suppose the way...

SENATOR WARNER: Time.

SENATOR WARNER: Senator Hall.

SENATOR HALL: I would yield my time to Senator Chambers.

SENATOR WARNER: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Hall. Mr. President and members of the Legislature, Senator Kristensen, when these bills are brought before us much is said about what the public's perception will be of what we're doing, if we're tough on drunk drivers and all the rest of that. What will the public's perception be if they know that somebody convicted of motor vehicular homicide while under the influence can be let off with no jail time without being even put on probation? Or if the judge is not going to give a person any jail time under a Class IV felony, does it have to be probation or can he simply impose a small fine?

SENATOR KRISTENSEN: Senator, the words are plain. There's no gray area there.

SENATOR CHAMBERS: Okay. So how do you think the public will perceive that if the one who commits the felony that kills somebody gets no jail time and the one who refuses to take the test gets seven days in jail?

SENATOR KRISTENSEN: Well, Senator, you know I guess I look at it this way.

SENATOR CHAMBERS: Umm, hmm.

SENATOR KRISTENSEN: Is if they have committed a crime that is so serious they were convicted and received absolutely no penalty at all, and that's what you're really saying would occur, then the fact pattern must be so bizarre, so unique that the community would probably be outraged of the fact that people were even charged and that matter was tried. As a practical matter Senator Chambers, you know that does not occur and that there are differences and they're due to facts and that's the reason you have judges who make sentences and that's the reason you have ranges of sentences and that one fact situation may be