

you've been drinking at all. You could be one of those very prideful people wh. say I'm not going to put that nasty thing in my mouth, you can see I'm not drunk, I'm not going to take a test. Seven days in jail, you can get. Motor vehicular homicide, you don't have to get a day in jail. All I want to do is stir your pure minds by pointing out some of the things...

SENATOR WARNER: One minute.

SENATOR CHAMBERS: ...that can happen under the law as written. It's one thing to say what a judge with common sense would or should do, but when we're enacting legislation we should look at what the law actually allows to be done. And under the law as written a judge could give somebody no time at all and the Supreme Court has said, I read a lot of these cases and they're not obscure. You look at the minimum sentence that the Legislature imposes to determine how serious they regard the offense because the minimum is what the person has to do, the maximum has no meaning whatsoever. You could say one year to 50,000, but you look at what the Legislature is trying to ensure that the person who commits this offense will get. And if they say no time for this, but a mandatory seven days for that, the Legislature considers the seven day mandatory sentence offense more serious a violation than the one with no time.

SENATOR WARNER: Time.

SENATOR CHAMBERS: Oh, I just said no time and you said time. I thought it was an echo, but I understand.

SENATOR WARNER: Amendment on the desk.

CLERK: Mr. President, Senator Hall would move to amend AM3901. (Hall amendment appears on page 2045 of the Legislative Journal.)

SENATOR WARNER: Senator Hall.

SENATOR HALL: Thank you, Senator Warner, members, the amendment is this. If you would open AM3901 to page 3, line 4, we are dealing there with the penalty as it relates to second conviction. The mandatory minimum in line 4 is at 30 days imprisonment. The amendment would strike the 30 and insert 7 so that for a second conviction the mandatory minimum would be 7 days imprisonment. Again, that is a mandatory minimum. The