

be convicted of a drunk driving offense, that's the reason that you have such a wide range. This could be the person's third or fourth offense, and the appropriate penalty would be to take it for the maximum amount that we do under current law, and that's 15 years. This person may have not ever had a traffic ticket before in their life and the judge can then treat that as a first offense drunk driving and...and take their license, at least for 60 days. That's the reason for the wide range of discretion, because it...it would cover all gradings of offenses.

SENATOR CHAMBERS: Now, the type of motor vehicular homicide that you're talking about here requires that the person have been under the influence at the time it was committed? Because a person could commit motor vehicular homicide without having had a drop to drink.

SENATOR KRISTENSEN: Yes, we're...

SENATOR CHAMBERS: So is this what you're talking about, the kind that would occur only when a person would be over the limit as far as alcohol consumption?

SENATOR KRISTENSEN: We're looking at, and I don't have the sections right in front of me, but I think you're looking at 28-306, is that correct?

SENATOR CHAMBERS: Okay, on page 5 it's 39-669.07.

SENATOR KRISTENSEN: Sixty-six...36-669.07 is the driving while intoxicated statute.

SENATOR CHAMBERS: Okay, so that one would require the person to have been drinking.

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: And then the other place where it is in the bill, I'm trying to find it to see if it's the same.

SENATOR KRISTENSEN: Well, look on page 4, you'll see Section 28-306, that's...that's motor vehicle homicide section in the criminal law, where a person causes the death of another unintentionally while engaged in the operation of any state law. In other words, if you ran a stop sign and killed someone, you