

where people drunk drive, no accident that kills a person occurs. In most instances of drunk driving where an accident occurs, there is not a resulting death. So it cannot be said based on statistics or anything else rationally that because a person drinks and drives a car there can be an expectation on the part of the driver that somebody is going to be killed. It cannot even be demonstrated that there can be an expectation of an accident or being apprehended and arrested. So to take that gigantic leap from our being frustrated with the fact that people will drive and drink, and on rare occasions a death results as a result directly of the one who has been drinking and driving, we say our frustration justifies us in equating this with an intentional homicide. That's what we're doing. We're taking a homicide which is not intentional, if it were intentional, it would be murder. It would be first degree murder, second degree murder, or manslaughter, but because it doesn't fit into any of those categories, it is not on the same level, and we have to try, when we are legislating, to separate how we personally feel about conduct and the way the law...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...would read and the way the law ought to be applied. So I think we should not take motor vehicular homicide and use it as a basis for invoking the habitual criminal statute. Let's say that a youngster drinks for the first time, take the young woman from Westside. She was not charged with motor vehicular homicide even though three youngsters were killed, but say somebody did that in their youth, and it shattered them. So they lose their way, and instead of going to work, they start writing bad checks, and they write enough bad checks to be a felony. They are at the threshold now, and the next crime makes them a habitual criminal. So she gets out and she writes bad checks again, and because that motor vehicular homicide is on her record...

SPEAKER WITHEM: Time. Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, members. Senator Chambers does, I think, hit the legal distinction that we're...that this amendment would raise, and that is the legal distinction between an intentional crime, which I had passed out to you, should have on your desk, a listing of those crimes that...those sections that are in the statute, or in the bill have. Those are, each of those do require a specific intent to