

commit that crime. The issue that is raised in this amendment, however, is the question of activity which rises so close to an intentional crime that we ought to think about treating it as such. The...and the basis for this is that when someone who is under the influence gets in a car they certainly, with the newspaper reporting, with the educational spots on television, with all the coverage and discussion that goes on, they must know that when they get behind a wheel of a car and they start driving and they're drunk, that there is a strong possibility that this is going to...that it is going to result in the loss of someone's life. That is the activity that we are trying to get at. I should remind you that this is not standing alone. This is not a DWI standing alone. This is not a DWI...or a motor vehicle homicide while under the influence standing alone. There must be other activity which takes place and that is either the prior commission or subsequent commission of other offenses on this list or motor vehicle homicide while under the influence. This is habitual criminal, meaning these penalties don't apply to someone standing...to one penalty...to one offense standing alone, but rather to an accumulation of penalties. This portion of the bill goes to repeat, violent offenders, and, yes, this would recognize, as I think Senator Crosby has mentioned, that this would recognize that motor vehicle homicide, while someone is drunk, should be considered a violent crime, or should be considered a very serious crime. The one area where Senator Chambers' argument, I think, holds a little bit more water is where he talked about, or where you have the situation where it's only motor vehicle homicide while under the influence, the only basis, where these other crimes don't enter in. But when you have two or three people who are killed by the same drunk driver in two or three different incidents, maybe it is time for the protection of society to say that's enough. You haven't...if you haven't learned after killing one person, chances are you are not going to learn, and that...that's...that is the basis or the rationale for this particular crime being included in this list of provisions. And I have to say that I...Senator Chambers' arguments are exactly those arguments I considered before carrying the amendment. And I simply came to the conclusion that in the broader scope of the workings of the statute that this particular crime is serious enough, when it results in a death, that it should be considered as part of the enhancement proceedings, or as part of the procedure which, in connection with or in combination with other crimes, would result in more serious penalties.