

criminal allegation has been included, would then serve to enhance the sentence.

SENATOR BEUTLER: Okay, so the charge for the third conviction, or the sentence for the third conviction would be altogether with the habitual criminal offense? And there wouldn't be a separate penalty for the...

SPEAKER WITHEM: One minute.

SENATOR BEUTLER: ...conviction, but the third conviction would...

SENATOR LINDSAY: Right.

SENATOR BEUTLER: ...if they were a habitual criminal would be subject to the provisions for habitual criminals, is that right?

SENATOR LINDSAY: Right. Yes, this would enhance it. It would enhance the felony penalty up to this language.

SENATOR BEUTLER: Okay, and the idea of probation, can people who, let's say I'm on my third conviction, if I get probation, how does the idea of probation fit into all this?

SENATOR LINDSAY: Under current law, actually, realistically, if you get convicted of your third felony, at least at this level, and you get probation, you've probably got a heck of a lawyer.

SENATOR BEUTLER: But how about probation on maybe what would have been the first conviction. I mean...

SENATOR LINDSAY: Well, it is not unusual...

SENATOR BEUTLER: ...let's say I'm convicted of a felony the first time,...

SENATOR LINDSAY: Right.

SENATOR BEUTLER: ...and I get probation, does that count as a habitual criminal conviction?

SENATOR LINDSAY: Yes.

SPEAKER WITHEM: Time. Senator Witek, followed by Senators