

SENATOR LINDSAY: Oh, they could...

SENATOR WITEK: I never intended to kill...

SENATOR LINDSAY: ...claim it and he could claim it now. Under current law, they can claim I was drunk, there wasn't intent to commit the crime. I was just driving drunk and I blew it, and, hopefully, ...they would hope to get convicted of the lower class felony, which would be motor vehicle homicide.

SENATOR WITEK: So are we changing that in every case if we go ahead...

SENATOR LINDSAY: No, no, no. All we are doing is including this. We are not changing the substantive provisions of the motor vehicle homicide law. All we are changing is the penalty provision, which is if motor vehicle homicide, if you are a repeat offender, and motor vehicle homicide while under the influence of alcohol is one of those offenses, then it can be used to enhance your penalty. It doesn't change what the prosecutor has to prove. It has no impact on that at all.

SPEAKER WITHEM: Time. Senator Chambers. Senator Chambers, this will be your third time on this amendment.

SENATOR CHAMBERS: Thank you, Mr. Speaker, and I hope somebody will give me some time, if I need it. Senator Witek, I am going to ask Senator Lindsay a question that kind of maybe ties into what you are talking about. Senator Lindsay, can motor vehicular homicide be committed by somebody who is not under the influence of alcohol?

SENATOR LINDSAY: Yes.

SENATOR CHAMBERS: And that motor vehicular homicide would not be included as a part of the habitual criminal statute as we are doing with this particular one, is that correct?

SENATOR LINDSAY: That would be correct.

SENATOR CHAMBERS: Thank you. Here's what I am trying to get at, motor vehicular homicide is a nonintentional killing of somebody. Because people are so offended at drinking and driving, and I am understanding of all of that, they are saying that if I, Senator Witek, am not drunk and I kill the person in