

my car, and I do it under circumstances where I'm going to be culpable and punished by the law but not as a murderer, and you were drinking at the time and you hit somebody, then we team up and write bad checks and we get convicted of two felonies for writing bad checks, yours becomes a habitual criminal charge the third time because your killing under the influence is counted, but my motor vehicular homicide, when I wasn't under the influence, is not counted. So, whereas, we both were driving and killed a person and we did it under circumstances where it is not considered just an outright accident, yours becomes a basis for subjecting you to the habitual criminal statute, mine does not. The point I'm trying to get at, and I probably haven't done a successful job is that we should not change the criminal law to deal with all of these other kind of things that the criminal law cannot adequately deal with. If you are going to make motor vehicular homicide a part of the application of the habitual criminal statute, make every kind of motor vehicular homicide that, and any other kind of offense, even misdemeanors, because you are trying, by the criminal law, to stop people from doing certain things by punishing them if they do. What I'm trying to get across is there should be some relationship between the punishment and the offense. All of these years motor vehicular homicide under the influence has not been a basis for invoking the habitual criminal statute if it constitutes one of three felony convictions. One thing that troubles me about the way this whole thing is applied, there was a young black kid who was being pursued by the police. He was about 16, his brother was in the car with him, and he tried to make a corner and he didn't make the corner successfully. He wrecked the car and his brother was killed. When he was in the courtroom, the judge said I see you are grieving for your brother, I understand all this, but they convicted him of motor vehicular homicide, a felony, and he is now in the penitentiary. He hadn't been drinking. The young white girl, who had been drinking excessively, wound up in an accident that killed three people, and she was charged as a juvenile and given probation. Now that happened recently enough for people from Omaha to know what I'm talking about, so when I say there is a double standard in terms of how black people are treated and white people, this shows it. Let's say this young black guy gets out of prison and he ties up with this young white girl, and instead of it being Senator Witek and I writing bad checks, it's the two of them.

SENATOR WILL PRESIDING