

SENATOR WILL: One minute.

SENATOR CHAMBERS: Now they both killed people as a result of accidents, he killed his brother and was grieving, hadn't been drinking. She had been drinking and killed three people. Neither one did it intentionally. His becomes a basis for invoking the habitual criminal statute, hers does not, even though she had been drinking. That's what we have to look at when we change the law, not just what the words say but how it can be applied. It has never been necessary to do what is being done with this amendment, and I'm opposed to it.

SENATOR WILL: Thank you, Senator Chambers. Senator Lindsay, you're recognized.

SENATOR LINDSAY: Thank you, Mr. President, members. I want to take...I have to digress from the debate for just a second because I want to have a Page go grab me one of these yellow pads. For those of you who haven't noticed it yet, I think these must be the new yellow pads, new improved ones, especially, Senator Bohlke, Senator Hudkins, Senator Witek, Senator Pirsch, Senator McKenzie, Senator Stuhr, Senator Crosby, they now say Mr./Madam President. We are moving forward. We are now I think officially into the twentieth century. The reason for that, getting that yellow pad out is I have been having some discussion on the issue of this question. Senator Crosby has, I think, very accurately portrayed, when she talked about it, the repeat offenders on someone who gets in a car driving drunk and kills somebody, and that can happen repeatedly, and the offense that you are going to get on that is going to be that Class IV felony, I believe Class IV felony. Enhancing that penalty, that kind of activity that we are trying to get at is on the motor vehicle side. In some discussions with Senator Chambers, we considered the possibility, I am trying to figure out how to draft it now, but the possibility of saying that this provision of adding motor vehicle homicide while under the influence to make...to get right...to get at the conduct we are looking at, to have that enhanced, if two of the convictions are based on that, on the DWI motor vehicle homicide. By doing that, we are very clearly getting at the...I think more clearly, I should say, getting at the problem that Senator Crosby has mentioned and that is the issue of someone who gets in a car drunk, drives, kills someone, gets a penalty, serves the time, comes out, gets drunk, gets in a car, drives, kills someone, gets the same penalty again, even if they get the