

law and you kill somebody in your car, it's only a misdemeanor. That's all, a misdemeanor. Here is what subsection (3) currently says that we are dealing with. If the proximate cause of the death of another is the operation of a motor vehicle in violation, and then it gives these sections that relate to drunk driving, motor vehicle homicide is a Class IV felony. So if you don't even talk about the habitual criminal statute, if you commit motor vehicular homicide under the influence, it's a Class IV felony. If you commit motor vehicular homicide and you are not under the influence, it is a Class I misdemeanor. Now under the present habitual criminal statute, and this is what Senator Lindsay and Senator Beutler brought forth in their discussion, motor vehicular homicide can be considered one of the felonies, or if it is done again two felonies, or if it is done again three felonies that will cause the present habitual criminal statute to be invoked, it could unless a prosecutor chooses not to. The statute, as it currently exists, does not say the nature of the felony. If two felonies are committed, then upon the commission of a third felony, the habitual criminal statute can be invoked and the courts have pointed out, as Senator Lindsay stated, habitual criminal charges are not separate and distinct offenses.

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: It, itself, does not constitute a crime or a violation of the law. It is a means by which the sentence for the third felony, no matter what the law says the sentence for that felony is, can be hiked up to that provided by the criminal, by the habitual criminal statute. In addition, remember, to putting this provision in the part of the new language that it's being placed in, a minimum 25-year sentence would be required, which is not the case now.

SPEAKER WITHEM: Thank you, Senator Chambers. Senator Lindsay. Senator Lindsay is yielding time to Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I hope it is obvious to everybody that the fact that Senator Lindsay, whose bill it is, and I, and Senator Beutler and others are trying to bring clarity to this situation. This is not an attempt, at this time by me even to derail the bill. There are some things that I would like to see put into the committee amendments, should we have to go to cloture, because they are important. I'm having an amendment