

some of those types of things like that. So what it recognizes is...and I think it's real...I don't have any problem with someone who has gone out and driven drunk, killed people, not once but twice, getting an extended prison term because I think, at that point, it's been clear that that behavior is not going to change and that at some point you simply have to protect society. I think this amendment, I think it does, I guess, soften maybe the harsh results a little bit that we might have on the amendment as introduced. It's an amendment...it's an amendment I can live with and I will be supporting it.

SENATOR CROSBY PRESIDING

SENATOR CROSBY: Thank you, Senator Lindsay. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, I'm going to try to elaborate on what Senator Pirsch and I were talking about. Under the existing habitual criminal statute, the sentence can range from 10 years to 60 years, and because there is just one category of sentences this bifurcates it. It creates, in one category, a 10 to 60-year sentence, and in a second one a 25 to 60-year sentence. That does not exist in the present law. Under the present law, if you're charged with being an habitual criminal and you're convicted of the third offense, which invokes it, you can be sentenced by the judge from 10 years to 60 years. Under the present law, it doesn't matter whether the felonies are violent or nonviolent. The third offense being a felony allows them to charge you with being an habitual criminal. Under the changes proposed in 371, the top part of it where you would have the mandatory 10 years to 60 years, that would be similar to the way things are now. It wouldn't matter what the felony was. But when you get down to the 25 years, if the third offense is a crime of violence and one of the other felonies was a crime of violence then the mandatory 25 years comes into play. There would have to be two violent crimes. Currently, to reach that violent crime level, it takes an act which is knowing and intentional. Everyone of those acts is the kind that is knowingly and intentionally done. The only one different is motor vehicular homicide, and under the statute the only way you can commit motor vehicular homicide rather than some degree of murder is if it's unintentional. The law requires that it be unintentional. So you want to take an unintentional act and raise it to the level of an intentional act and say that if I went out under the influence, and that's doesn't mean I'm