

falling down drunk, it means I have .1 alcohol and maybe for some people that is, and I could make an ordinary error of judgment in driving that might not be traceable to my being drunk, but the fact that I was will make me subject to this law that we're talking about if there had been two other offenses. So what I am saying is that I don't think it's appropriate, under any circumstances, to use a nonintentional act, which means you did not intend it, and make that a part of the habitual criminal statute. And I said in the beginning I know there are people who are against drunk driving and I am too and we don't want to see people hurt. We don't want to see anybody killed. But that's not what we're talking about. We're talking about a scheme that allows a harsher sentence to be imposed on somebody than the sentence required under the law for that particular act. And since the only ones we allow that for are intentional acts, my amendment says if you're going to use an unintentional act for that purpose, there has to be two of them,...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...then it shows that a person is engaging in a course of conduct which even though the result is unintentional it's of sufficient danger to society to justify the imposition of this punishment. But if the person does it one time, anybody in here could do that, anybody in here could have that happen, anybody, I mean, you know, if you drink at all, and none of us know, even I, who have never tasted alcohol in my life, could do so before I leave this earth and I could be in this situation and that's the time we suddenly begin to say the law is not fair, the law is not looking at all the circumstances. We need to look at those circumstances now and not create these new offenses, the ones that you're worried about.

SENATOR CROSBY: Time. Any further discussion on the Chambers amendment? Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, Senator Lindsay handed out a list of the offenses which would trigger that automatic 25 years if the combination of commission of offenses would be correct. They are murder in the first degree which requires specific intent and premeditation; murder in the second degree, no premeditation but malice we now know; assault in the first degree; kidnapping;