

SENATOR BEUTLER: And I assume that entry into a propelled vehicle simply means that you break and enter into a car, for example, or you simply open the door to a car, for example, or you stick your hand through an open window to the car. Would you agree all those instances would fall under this statute?

SENATOR LINDSAY: Most of those...I...in that...assuming the other elements are in place, yes, I would agree.

SENATOR BEUTLER: Okay. Now already in our law, and you will see just above that in Section 4, the offense of unauthorized use of a propelled vehicle. Now a use is, I suppose, both, first of all, entering the vehicle...

SENATOR LINDSAY: Uh-huh.

SENATOR BEUTLER: ...and the statute against entering the vehicle says it has to be for a misdemeanor or a felony. If you go ahead and then once you enter, use the vehicle, the first question is, are you then subject to both, are you...have you committed both offenses, both using the vehicle and entering it?

SENATOR LINDSAY: Probably, yes, I think it's probably a lesser included offense. The unauthorized use is probably a lesser included offense of the...

SENATOR BEUTLER: Which means what?

SENATOR LINDSAY: That you could be...if not convicted of the higher crime, you could be convicted of the lower one.

SENATOR BEUTLER: Okay, but you couldn't be convicted of both?

SENATOR LINDSAY: I don't think so.

SENATOR BEUTLER: You don't think so. Okay, as between the two, the use would seem to be the greater offense. Would you not agree?

SENATOR LINDSAY: The use?

SENATOR BEUTLER: Uh-huh, as opposed to just the entry.

SENATOR LINDSAY: Not...no, because it's...entry is not the only element of that offense, it's entry with the intent to commit a