

situation. It's the...the key is not the breaking and entering, the key is the intent to commit a crime with the car, or in the car, or to the car. I mean, we can rename it if...and I...it doesn't have to be unauthorized entry, it can be entering a car with intent to commit a felony. We could rename it.

SENATOR BEUTLER: Uh-huh. Well, it's the...

SENATOR LINDSAY: It's the elements that are important, not the name.

SENATOR BEUTLER: I'm not following the logic on that entirely at all. But let me ask you about another part of it. In the new statute on unauthorized entry, it says, or enters into without breaking. Now I suppose a parallel statute to this would be the burglary statute where you're entering into...

SENATOR LINDSAY: Right.

SENATOR BEUTLER: ...a home or real estate. But even that statute doesn't say anything about entering into without breaking.

SENATOR LINDSAY: It may not, I've not looked at the statute.

SENATOR BEUTLER: And it seems to me that that brings to mind some possible additional problems. Let me...let me ask you this. If, for example, a group of kids are walking down the street and there was a car window open and they reach in and grab a cassette that's sitting on the car seat. Minor, minor,...

SENATOR HALL: One minute.

SENATOR BEUTLER: ...as far as thefts go. Small misdemeanor, right?

SENATOR LINDSAY: Right.

SENATOR BEUTLER: Except by virtue of having reached through that car window they've now made...that open car window, they've now committed the offense of unauthorized entry and they have not only committed a minor misdemeanor theft but they've also committed a Class IV felony. Isn't that correct?