

SENATOR CHAMBERS: ...then you committed the offense and you had to enter the vehicle to commit it.

SENATOR LINDSAY: Yeah.

SENATOR CHAMBERS: So, on the same facts, you can be charged with a felony or a misdemeanor.

SENATOR LINDSAY: Not necessarily.

SENATOR CHAMBERS: Yes, you can.

SENATOR LINDSAY: Well, yes, under those facts, but I can create facts in a lot of situations where you can be charged with two crimes. The question is, I mean, is that the only fact situation that it covers.

SENATOR CHAMBERS: Show me where under the same facts you can be charged with two different offenses, one a misdemeanor and one a felony, under the same identical facts.

SENATOR LINDSAY: Well, I...let me think about it and I will do one at some point.

SENATOR CHAMBERS: Thank you. Members of the Legislature, it's like that song says, it's got to be this or that. I believe this is unconstitutional. Oh, Senator Lindsay has an example.

SENATOR HALL: Senator Lindsay. Senator Lindsay, we don't have you on the mike, (inaudible), thank you, we are...

SENATOR LINDSAY: I was trying to think, under the section that, Senator Chambers, under the section we're trying to change now, I'm trying to think if you can be charged with two separate felonies for the same set of facts.

SENATOR CHAMBERS: We're talking about a felony and a misdemeanor.

SENATOR LINDSAY: Okay.

SENATOR HALL: One minute.

SENATOR LINDSAY: And you're looking...can you be charged with two, with a felony and then with a misdemeanor for the same