

March 29, 1976

as those that are driving under the influence of alcohol. The same penalty. Before it was different.

SENATOR CAVANAUGH: I thought that was a clarification. I don't...

SENATOR KREMER: The only thing that Senator DeCamp is changing is striking language on the bottom of the page, the bottom of page 4.

SENATOR CAVANAUGH: I know what he is striking, Senator, but I don't see the increase in the penalty. Are you telling me that we are expanding somehow the drunken driving section?

SENATOR KREMER: No, sir. It assesses the same penalty to those that are driving under the influence of alcohol and those that took the test and have 10/100 of alcohol in the body.

SENATOR CAVANAUGH: How is that different?

SENATOR KREMER: Before that there was an assessment of six points on the part of those that were driving with 10/100 and twelve points for those driving under the influence of alcohol. I believe I am right about that.

SENATOR CAVANAUGH: Driving under the influence of alcohol is defined as having 10/100 of 1%. Isn't that the crime?

SENATOR KREMER: No, sir, but we were told that there was a difference, that the judges of the courts were assessing a different penalty and we need to bring about the same penalty on both because they both are the same thing, whether it is 10/100 or under the influence. If you can walk a straight line or if you take a test...there was a difference.

SENATOR CAVANAUGH: So you are reducing it to six from twelve.

SENATOR KREMER: They are both the same now, right. They are both six points.

SENATOR CAVANAUGH: That's a reduction.

SENATOR KREMER: Did I say it was an increase?

SENATOR CAVANAUGH: Yes.

SENATOR KREMER: I am sorry if I did. It is a reduction. It brings both under six.

SENATOR CAVANAUGH: Okay, so we are not increasing anybody's penalties. Well, then I don't understand why we can't do that. I know...

SENATOR KREMER: We can but Senator DeCamp tells me that the bill is unconstitutional because if you will read the language, the new language, on the bottom of page 4,