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could, again, engage Senator Kruse in some questions on that?

SENATOR CUDABACK: Senator Kruse, would you respond?

SENATOR KRUSE: Yes.

SPEAKER BROMM: Senator Kruse, the aggravated driving under the influence is entirely new. Is that correct?

SENATOR KRUSE: Correct.

SPEAKER BROMM: And what is the basic premise of that? What is the thrust of that section, of making such an offense?

SENATOR KRUSE: First let me back up and qualify my statement of "correct." Most of the offense is already listed in other parts of the statute as...in the existing statute, as a felony IIIA. So the penalty is not changed. For instance, causing serious bodily injury is already in that. This is a way to get past the limits of four offenses. It has been adopted by a number of states. We looked over what they had done. The National Highway Safety said this has been very effective in removing the number of offenses. They had all kinds of names for it. One was "severe DUI," and so on. We chose the name "aggravated." But it's from their experience where it was put together. And the provisions in there were similar to what other states have.

SPEAKER BROMM: So the elements of that would be, first of all, you'd have to be in violation of the blood alcohol limits, be in control of the motor vehicle, be operating or be considered to be in control of the motor vehicle. And you would...the third element would be that you would be trying to avoid arrest?

SENATOR KRUSE: Trying to avoid arrest, having a high BAC, two times, or causing serious bodily injury.

SPEAKER BROMM: Point one six?

SENATOR KRUSE: Point one six. And that number was chosen as twice the legal limit.