

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Sure.

SENATOR BERNARD-STEVENS: Senator Lindsay, not being an attorney in this particular area, I want to make sure that at least I understand it correctly. If, in fact, that a police officer, and, gosh knows, the majority, the vast majority are good police officers, but if a police officer, for example, decides that they want to test someone for a breath test for whatever reason they stopped them, and its refusal, what would happen in that particular case?

SENATOR LINDSAY: The person would be charged most likely with DWI with refusal to submit. Under the current law, those two charges then would go...would be forwarded for prosecution. The person would get a trial date, would either plead to one or both, or would go to trial, be convicted on one or both, or be acquitted. After the conviction and upon sentencing, then the suspension for one or both of the charges they are being convicted of along with the jail time, along with the fine, would then be imposed.

SENATOR BERNARD-STEVENS: Okay, and, also, now if the person is ultimately acquitted, what is the time frame approximately for that to happen between the time of the arrest and the approximate time of the acquittal? What are we looking at timewise?

SENATOR LINDSAY: We are looking at, at least in Douglas County, the arraignment is anywhere from two to four weeks after the time of the incident, and the trial then is usually four to six weeks after that. I think a minimum would be getting you to trial, an absolute minimum, would be six weeks. The norm would be closer to around two months to ten weeks.

SENATOR BERNARD-STEVENS: Okay, thank you, Senator Lindsay. I think one of my concerns with the bill, besides the numbers which I understand can be worked with and dealt with through the amendment process, and I have no problems with that, certainly, if it can be done properly, I think the problem that I have is for the person who is cited for refusal to take the test, and as Senator Lindsay at least mentioned in Douglas County, and I know that differs throughout counties in the State of Nebraska, but in Douglas County, you may be looking at two months or so, and