

signs so they've had an accident, and quite frankly they just refuse the test.

SENATOR HALL: So, Senator Kristensen, in other words, if...say if I was just in a bad mood and I refused the test, does that then become evidence for purposes of a conviction?

SENATOR KRISTENSEN: For conviction of drunk driving, yes. Now, it isn't a presumption, the jury will weigh that. This says the jury will get that evidence to weigh. You'll stand up in trial, as a defendant, and say this is the reason I didn't do that, it had nothing to do, I wasn't covering anything up, basically this is an evidentiary point of relevance and materiality.

SENATOR HALL: But yet the fact is that it still weighs on whether or not the jury would believe me.

SENATOR KRISTENSEN: Yes, it's evidence they'll consider, exactly.

SENATOR HALL: So in other words, then the argument is going to be why didn't I, if that was the case, why didn't I submit to the test. Correct?

SENATOR KRISTENSEN: Certainly that would...that could become an issue, yes.

SENATOR HALL: I mean, if you were the attorney, wouldn't you ask that question? And what...

SENATOR KRISTENSEN: I'd use it in closing argument, yeah.

SENATOR HALL: Yeah, you probably would save it, it would be the best one. Thank you. Mr. President and members, I rise to oppose Senator Kristensen's amendment. And as much on the fact that it is...it clearly is an eleventh hour issue. I understand the importance of it, the fact that it was placed as a priority by the Transportation Committee. But it is...runs in a totally different vein than the arguments we're having on LB 799, to a great extent, although it does deal with the same subject matter. But the issue of the refusal to submit, which would then be allowed under...for no matter what the reason, you basically, I guess, convict yourself by refusing to submit. And that's fine, if everyone knows that that is the law, and clearly ignorance of the law is not an argument, I guess, or is not a