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SENATOR CHAMBERS: No, no. Now what other area of the criminal law do we have presumptions of this kind, if you are familiar with them?

SENATOR WARNER: One minute.

SENATOR KRISTENSEN: Well, Senator, we have presumptions in a lot of areas. We have presumptions of notice, like in the bad check areas, if you received a notice within ten days from the county attorney, you are presumed to have known your account was insufficient, I guess is the first one off the top of my head that comes to me.

SENATOR CHAMBERS: One as substantive as this one where the piece of evidence is as crucial to a conviction as this one. Are you familiar with any?

SENATOR KRISTENSEN: Well, I certainly think the bad checks is the most commonly used presumption and that does go to an essential element. Here we're not talking about admissibility though. Make sure you understand that we're talking now about the test first has to be admitted into evidence correctly, then the presumption attaches, not the other way around.

SENATOR CHAMBERS: Senator Kristensen, if the test is offered, if the results of the test, because that's what we're talking about, would be offered, then the defense would object to the admission.

SENATOR WARNER: Time on...now you're on your own time, Senator Chambers.

SENATOR CHAMBERS: Yes, thank you. Would you agree to that? If the defense did not feel that the test for whatever reason was invalid, the defense would make an objection to the admission of the test?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: Would the defense have the right to conduct foundational questioning of the officer who is trying to admit the test?

SENATOR KRISTENSEN: Yes.