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legally. But, as a practical matter, you have some defense counsel who are able to convince the jury and confuse them about the test results at the time of the operation, at the time of the arrest.

SENATOR CHAMBERS: Senator Kristensen, may these prosecutions occur before a judge without a jury?

SENATOR KRISTENSEN: Oh, sure, they can, yeah.

SENATOR CHAMBERS: Do they ever?

SENATOR KRISTENSEN: Oh, sure.

SENATOR CHAMBERS: Is the judge equally confused about the law...

SENATOR KRISTENSEN: No.

SENATOR CHAMBERS: ...by the arguing by the defense attorney?

SENATOR KRISTENSEN: I...I've never witnessed the judge being confused about that particular issue.

SENATOR CHAMBERS: So what you're doing is taking away a method of defense which is legitimate. Is it legitimate for lawyers to argue in defense of their clients?

SENATOR KRISTENSEN: Well, sure it's legitimate to argue in defense of your clients. I'm just saying that good public policy would defeat that.

SENATOR CHAMBERS: And the question that I'm asking you is this, but I want to ask you if you're stating something first. Are you saying that because defense lawyers are able to...

SPEAKER BAACK PRESIDING

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...argue in such a way that their client is acquitted, you want to change the law to take away the ability of defense attorneys to obtain that result through legitimate argument.