

that that has some rational relationship. You can make that determination because it has some point in time. Now Senator Chambers' argument is, why are the jurors...well, I'm not going to phrase what he thinks it probably is, but we were talking about are the juries confused? Not in every case, of course not. There are a lot of convictions that occur. At our public hearings we had three or four county attorneys who came to us and said, we on occasion have problems with this. Each juror, jury panel is different, we need a presumption that would aid us in doing this. And most of these defenses are smoke and mirror defenses. It doesn't go to the amount of the test, it goes to the timing. This could be a double-edged sword. There are county attorneys who don't necessarily like this because you could take that test 90 minutes later and those test results may be going up or they may be going down and so let's say you take the test 90 minutes later and they are below .10, you may have to live with those test results. So this is a double-edged sword in that situation. Senator Chambers, I'll be glad to, if you would like to take the rest of my time with the dialogue, I would oppose this amendment. The presumption is an aid in prosecution. Is this going to solve drunk driving? No. Is this a piece to the puzzle? Yes. Will this aid in prosecutions? Yes. Is it unfair? No. Senator Chambers, you can have, if you want to do the rest of the dialogue you can have the rest of my time.

SPEAKER BAACK: Senator Chambers, about two minutes left.

SENATOR CHAMBERS: Thank you. Thank you, Mr. Speaker. Senator Kristensen, a presumption of innocence attaches to a person accused of a crime in this state. Would you agree?

SENATOR KRISTENSEN: To the ultimate decision of guilt or innocence, not towards admissibility of evidence.

SENATOR CHAMBERS: Well I don't want you to confuse the issue now, that's why I want you to answer the questions as I ask them so we don't jump from one to the other, we'll get to that. Do you agree that there is a presumption of innocence attaching to a person accused of a crime?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: Is it necessary for that person to go forth with any evidence under that presumption? Is there a