

requirement?

SENATOR KRISTENSEN: No.

SENATOR CHAMBERS: The state is required with no assistance from the defendant to overcome the presumption of innocence and proved guilt beyond a reasonable doubt. Do you agree?

SENATOR KRISTENSEN: That's right, yes.

SENATOR CHAMBERS: This that you are putting into the law I want to separate out for right now and talk about the way things are without going into any technical aspects of a test.

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: If test results are offered now, the state must establish that under the rules of evidence those results should be admissible.

SENATOR KRISTENSEN: Yes, the state must have that evidence introduced and accepted into evidence. They don't have...

SENATOR CHAMBERS: That the state has the burden of establishing that the evidence should be admitted.

SENATOR KRISTENSEN: Yes. Not beyond reasonable doubt, but that it is admissible.

SENATOR CHAMBERS: Right, right. I'm not getting to beyond reasonable doubt yet. I'm just taking it a step at the time. Now once that evidence is admitted, the weight of the evidence is to be considered whether it's by a judge sitting alone or by a jury considering the evidence. Do you agree?

SENATOR KRISTENSEN: Yes, weight and credibility of admitted evidence is in the jury's providence.

SENATOR CHAMBERS: Now if you add a presumption as to the quality or weight or significance of the evidence, you give something to it which it does not currently have. Do you agree or disagree with that?

SENATOR KRISTENSEN: I agree.