

technicians who can draw blood. That has been a problem in this state for a number of years, has been a difficulty in prosecutions. We also have introduced the theory of administrative license revocation. You will hear the words ALR. That is where your license is taken at the time you either refuse or at the time you test over .10. You are given a temporary license, and then we have an administrative procedure, not a criminal procedure, to take those licenses. We also increase the penalty for operating a motor vehicle when you cause serious bodily injury. Before, that was a low-grade misdemeanor. We have now elevated that to the same penalty as a felony. If you'd kill someone, here we are saying if you make them a vegetable, it should be the same penalty as if you would kill them. We authorize ignition interlock for certain limited cases, and where we last left off was a presumption of 90 minutes, and that presumption is right now the area of amendment that I believe Senator Will will be carrying for Senator Hall. And I want to just briefly talk to you about why that presumption is there. That presumption is an aid in prosecution and it doesn't go to the admissibility. Now there is a big difference. It doesn't say that just because a test was taken, it automatically is presumed that it was done correctly. You still have the opportunity to object and say it didn't follow rules and regulations, that the machine was off, that there were problems with the machine, there were problems with the testing, that you didn't wait long enough to ensure reliability of the test. This says all those things can be objected to, but at the time that it is admitted into evidence, as credible evidence, there is a presumption. Now it is rebuttable presumption. You can offer evidence that says, well, my blood content was going up. There is reasons for that and I can show that through a series of other tests that I may take, or whatever. But it is a presumption that if that test was taken within 90 minutes then it is accurately reflecting your blood level at the time you were stopped. In the State of Nebraska, the Supreme Court has spoke on this issue a number of times, and they relate, and I want to read to you briefly what their explanation of the situation is. There are very practical difficulties which would arise in a defendant's interpretation of the statute, much like what Senator Hall and Lindsay were talking about yesterday, and they want to do to you much like defense lawyers do in a trial, they want to confuse you, because if you get confused, you are not sure on how to vote. Is that a proper tactic? Sure. We do that all the time. That is part of a defendant's right to do that, but it is impossible as a