

submit that it is not...it is not confusion for the defense to come in and present things that may be wrong with a blood test. That is all there is to it, and if the jury decides there is something wrong with a blood test, if the judge decides there is something wrong with a blood test, they should not have to combat statutory language that says that that test is presumed to be accurate. I would urge your support for this amendment.

SPEAKER BAACK: Thank you, Senator Will. To speak to this amendment, Senator Schimek, did you wish to speak to this amendment? Senator Landis, did you wish to speak to this amendment?

SENATOR LANDIS: Members of the Legislature, I rise to support the position that Eric Will has just enunciated so clearly. I, too, have been looking for a way to be able to vote for 291. This is not an attempt to simply oppose the measure. In fact, I have some provisions in this bill that I'd like to be able to support. The ignition interlock device is one that I am hoping to be able to support. I identify this as a particularly onerous provision and one that's a pernicious provision that should be stricken. In the event you and I are the victims of a stereotype, if you and I are the victims of a stereotype, we are getting the effect of what a presumption does. Women can't do science, and, you know, or males, well, I can start a list of presumptions and stereotypes here. I'd just as soon not. What they are is there are the leaps of the mind that says we don't have to ask ourselves certain questions, we don't have to consider certain information because we will presume that something is true. Now this is a very valuable device in the law, but it is also a dangerous device in the law. It allows us to move away from the neutral playing field, and to load up one side or the other. You know that we have done that sometimes, we've loaded up the neutral playing field by giving the presumption of innocence. We have said, no, rather than a neutral playing field on which if we think it is more likely they are guilty than less likely, then we will find them guilty, we have said, no, there is a presumption of innocence that needs to be overcome. We do that because our liberty is at stake. It is so precious that we want to make sure that the presumption is to keep liberty, rather than to surrender liberty. It is so valuable and so precious. This presumption works the opposite way and it says, basically, that certain facts valuable to the prosecutor are presumed to be true, and that the party has to unprove them, because if they don't unprove them, then they will