

inappropriate. Right now the prosecutor is not disadvantaged in any way. If you have dumb people as prosecutors, the Legislature should not try through taking away defenses, defenses that an accused may have to make up for the deficiencies in the prosecution. Senator Kristensen has agreed or admitted in a straightforward way that this is a tool for the prosecution. What we have to realize is that every element of an offense, when it is a criminal charge, does have to be proved beyond a reasonable doubt. It has to be proved beyond a reasonable doubt. Nothing that the Legislature does in law should require a person who is accused to do anything to establish his or her innocence, the state must prove guilt. In this instance, the state is not being asked to prove guilt. The state is being asked to cross the threshold of getting the evidence admitted, then the court is to presume that the evidence is accurate. Once the accuracy is established, the case is lost. The case is over. If the testimony is that the machine gave a reading of .10 or higher, if that is what the test has shown and the presumption is that the test is accurate, that is the proof that the crime was committed. The state should not be placed in that position. I don't believe, Senator Kristensen, that there should be such a hue and cry to get drunk drivers that we pervert and distort the system of justice. I have to bend over backward in this case, Senator Kristensen and others who support what he is doing, because I do have such a harsh negative attitude toward people who drive after drinking. I have to make sure that the negative...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...feelings I feel for those people will not overbalance or overpower my obligation to protect the system from distortion by the Legislature in its haste to make a political statement. That is all that this would be. You have got lazy prosecutors. You have got dumb prosecutors. You have got people who will take that job because they can't get any other one, and they demonstrate it by how poorly they handle their cases. Our job, as a Legislature, is not to remedy the defects of law school, to remedy the deficiencies in a person who serves as a prosecutor. Our job is to make sure that the system remains fair and just for whoever is accused, no matter of what he or she stands accused. And to do what Senator Kristensen does or wants to do...

SPEAKER BAACK: Time.