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right and the ability for the law enforcement officers to know the difference. The law enforcement officers in this case had no choice because he did have open beer cans in the car, so he had to say he was in possession and the kid got out of it because of, I think, the justice of it all was fair in this case. I am concerned that with this kind of an overzealous effort the possibility exists that it could have even been worse and I'm concerned about that.

SENATOR KRISTENSEN: Do you want me to have the rest of your time? Can I ask you a few more fact questions?

SENATOR LYNCH: Sure.

SENATOR KRISTENSEN: Because these are all based on facts.

SENATOR LYNCH: Well, okay.

SENATOR KRISTENSEN: Had he had something to drink?

SENATOR LYNCH: I just told you, no, and I...

SENATOR KRISTENSEN: Okay.

SENATOR LYNCH: ...he was in the boat with me. We were six hours... a long day, I was sunburned, in fact, my old Irish skin, I couldn't take any more sun. That's one reason we stopped. No drinking in the boat.

SENATOR KRISTENSEN: If he hadn't been drinking, this provision doesn't come into play. I mean, he was following the law. I assume he was a minor at the time.

SENATOR LYNCH: Yeah, he was 16, 17...

SENATOR KRISTENSEN: And if he was a minor and wasn't drinking, he's not guilty. He had .02 or less in his bloodstream.

SENATOR LYNCH: But if he had... one beer, I understand is worth two points.

SENATOR KRISTENSEN: Assuming if he drank them right away, drank it, I mean, before he got stopped, pounded it down and at the time they took the test, if that was a real quick test they gave him, perhaps, yes. Close call.