

February 5, 1992 LB 291

and argue that we did a great job and a public service to get more drunks off the road. You haven't got any more drunks off the road. You haven't even started to address the problem. This provision with regard to the presumption that is built into this bill and the amendment that would strike it that I offer pulls the whole system back a little bit to where it ought to be. The state ought to have to prove their case. They shouldn't have the Legislature hand it to them.

SPEAKER BAACK: One minute.

SENATOR HALL: That's exactly what the presumption with the 90 minutes does. It says get to the hospital, get to the technician, get to the lab, wherever you have the test taken, and as long as you do that within 90 minutes the presumption is there that that was an accurate reflection of your blood alcohol level at the time you were operating the car. That's not the case. That is not the way it works and that's why individuals have been able to defeat that because they have been able to prove that that is not right. So we're going to go about changing the law saying, because those individuals were able to show that their blood alcohol level was not at or at least they weren't able...the state wasn't able to show beyond a reasonable doubt that their blood alcohol level wasn't over the legal limit. Imagine that. They went free. They weren't convicted of DWI and LB 291 would say, no, even though they may happen to be innocent...

SPEAKER BAACK: Time.

SENATOR HALL: ...we're going to lump them together and charge them and make sure that the 90-minute presumption sticks. I would urge you to pull this from the bill and adopt the amendment.

SPEAKER BAACK: Thank you, Senator Hall. Any other discussion on the amendment? Seeing none, Senator Hall, would you like to close?

SENATOR HALL: Thank you, Mr. Speaker, I would. LB 291 has been laid out as a proposal to be harsh, if you will, harsh with regard to the issue of drunk driving. It is...have provisions in there that deal with minors in a certain way; it has provisions in there that deal with penalties in a certain way; we have doubled the penalty for first offense, the maximum