

taken in, and before statements were taken from you, your Miranda rights would be read to you. Miranda, basically, exists of, let's see, one, two, three, four, five, six, seven, eight sentences before a statement would be taken from you. And that would be constitutionally permissible rather than the five pages of single-spaced language declaring a variety of consequences. Senator Crosby was kind enough to prioritize this bill. The Transportation Committee listened to the county attorneys from across the state, a variety of advocacy groups came together and formed an ad hoc committee to address this problem since this summer. Their solution is LB 939, and I want to just briefly, in the time I have remaining, outline to you what 939 does, because it is not particularly complicated, but does have some very significant features to it. One is, to address the court's concern, we are striking out the language that said, the consequences of submitting to the test and the consequences of submitting to the test...and there will be...and there's a showing of alcohol. In other words the failing of the test, we're going to do away with those consequences. And we're going to statutorily require the police to advise people that refusal to submit to a test or tests is a separate crime for which the person can be charged. That meets constitutional muster by informing people that if they refuse that test they may be subject to other crimes. I believe that's constitutionally sufficient. I would urge the body to adopt that policy. But in addition, to be even fairer, we're going to ask that you be, at the time that you get your operator's license, also advised that refusal can be used as a separate crime against you, that failure to take that can result in that other crime of which you can be charged. So we're going to notify you at the front end when you get your operator's license, we're also going to, at the time that you're arrested, the advisement form will probably contain some other things, but you will cut that down. We also go on further to make some changes in the administrative license revocation law to basically reflect that, that we're going to take out the requirements when you have to notify them of advising them the consequences of refusal.

PRESIDENT ROBAK: One minute.

SENATOR KRISTENSEN: We're going to take out as well the requirement that a lawful arrest was affected. Now that's not...we're still going to keep in the law that one of the things you can test is was there probable cause to stop. That's