

establish that he or she was at the scene, therefore, the perpetrator of the act being prosecuted. In cases where that has occurred, those bullets are still in people's body now because they refuse to submit to an operation and the court in a particular jurisdiction did not require the person to undergo such an operation. The Legislature has set drunk driving into a separate category. It has been determined that for the benefit of and the interest of society certain tests ought to be allowed to be taken even against the will of the person accused because society's right and interest overrides the individual's right at that point. So tests can be taken against the person's will but in reality they can't be taken. They can be ordered, and if the person refuses, then there are certain punishments that come into play but nobody can be ordered and forced by a court to take one of these tests against his or her will. The order can be given but failure to respond results in loss of driver's license.

SPEAKER NICHOL: One minute.

SENATOR CHAMBERS: So if that kind of punishment can be imposed on a person simply for refusing to take a test for any reason, it is not unreasonable to flip the coin and say that unless the officer complies with the law evidence obtained illegally by that officer knowing what his duties are and how he or she should obtain this information, such evidence tainted as it is will not be used in the court systems of this state because the courts are there to vindicate the law, not to encourage the violation of the law. I hope the same number of people who voted for this amendment will vote against Senator Beutler's motion to kill the bill. And by the way, if he has a thousand amendments, I am not going to move to suspend the rules to prohibit discussion, amendments, or anything else. However long the Legislature wants to deal with the issue, I am content to do that so I have no motions up there to suspend any rules and I won't put any there.

SPEAKER NICHOL: Senator Vard Johnson. Senator Pirsch, if you would like to go in place of Senator Vard Johnson, we will have you to go.