

stopped and the person is intoxicated or appears to be intoxicated, the police officer can ask that person to take a sobriety test. If the person refuses to take that test, the person will lose his or her driver's license for one year. That is the current law. This amendment will reduce it to six months. Now if that person took the test and failed the test, why that person is subjected to both criminal sanctions and also loss of a driver's license for a lesser period of time, for a lesser period of time. So the person, I suppose can make a choice as to whether to refuse to take the test or not to take the test or to take the test. The purpose of the amendment is to make the test penalty conform to essentially the loss of driver's license penalty for driving while under the influence. Now, Senator Pirsch raises the question, well, suppose you are a third time offender. It is in your best interest to consistently refuse to take the test. You should be mindful of the fact, Senator Pirsch and colleagues, that the taking of...that the passing the test or not passing the test is not the only determinant of driving while under the influence. In fact tests don't even have to be administered to prove somebody guilty of driving while intoxicated. The person, you know, is weaving and is reeking of liquor, is acting in an erratic manner, can't pass an alphabet test, can't get his finger to his nose, can't walk a straight line, the police officer can testify that man was drunk, irrespective of whether or not the test was even taken.

SENATOR PIRSCH: I appreciate that. But also you have to have witnesses in that case. You have to have testimony, and it seems to me that the test is far greater evidence than...and necessary in that case, and I have great reservations about supporting this amendment at all because of that provision.

SPEAKER NICHOL: Senator Sieck, please.

SENATOR SIECK: Yes, Senator Haberman gave me an orientation of several arrests but none of them was convicted for ten years. Now the problem was that they didn't convict him for ten years. That was the court's jurisdiction. They should have done that, but they did not. Now he waits, 29, and now they give him maybe 15 years. The problem isn't the ten or fifteen years. The problem is because the court didn't react correctly. That is the problem.

SPEAKER NICHOL: Senator Higgins, you may speak next, but may I introduce some guests of Senator Rod Johnson. In the north