

proceeding that is away from the jury. In other words, they take it to the judge, and the judge determines whether or not, based on the clear and convincing evidence that the prosecuting attorney, the county attorney presents to the judge, whether it should be entered into evidence, whether it should be something that the jury should be allowed to use in their fact-finding endeavor for purposes of determining guilt or innocence on the present crime, and that clearly has to be something that we're aware of, that a prior bad act is being used by the prosecuting attorney for purposes of trying to convince the jury that the present act, or the present crime was committed by this same individual or individuals. And that is where the bill comes into play because the county attorneys in the past have opposed it. Primarily one of the reasons they've opposed it is because of the limitation that was originally in the bill that we just took out with the committee amendments. Now that the ability is there for purposes of going back as far as they so choose, all the bill really does is establish the burden of proof, that being clear and convincing, which they have to meet, for purposes of convincing the judge that it should come into evidence before the jury, and then the fact that the evidence would be presented in the judge's chamber in an in camera proceeding outside of the jury for purposes of deciding whether or not it even comes into trial at all for purposes of the present crime that is being prosecuted. And it was a deal that was struck with the County Attorneys Association. There was another bill, I think Senator Abboud carried, that the criminal defense attorneys were opposed to that was compromised for purposes of advancing LB 598, and Senator Abboud's bill out of the Judiciary Committee, there was give and take on both sides of this issue. The County Attorneys Association said if you are willing to strip the five-year limitation from the bill, we can support LB 598 as long as you advance the other bill, and I think it was LB 420, but I don't have it here in front of me. It's down on the General File sheet that Senator Abboud has out on before the body and it is designated as a priority. With that, Mr. President, I would urge the body to advance LB 598. I think with the compromise and the committee amendments, the bill is ready to be passed into law. Thank you.

SPEAKER BAACK: Thank you, Senator Hall. Mr. Clerk, an amendment.

CLERK: Senator Hohenstein would move to amend the bill, Mr. President. (See AM1303 on page 1771 of the Legislative