

concerns me is because if you allow the safeguard of first having a determination of whether this evidence ought to be admissible outside the presence of the jury, which I think is a significant addition to the bill and I think it's a good idea, if you do that, and if you also require the higher burden of proof of clear and convincing evidence, you can have some circumstances apply which I think are probably not very good. And let me just give you some examples of what could happen with clear and convincing evidence. Let's assume that you have an individual who is now charged with a crime. Let's assume he is charged with child molestation, and after he is charged with that crime, a number of other children in the area come up and say, you know, he tried to pick me up, this was a pattern that he used, he came after school, he drove a blue car, he offered me candy, I didn't get in the car with him. But that was sort of the plan or motive that he utilized. Under the standard of clear and convincing evidence, if the individual, the defendant says, no, I didn't do that, and the young person says, yes, you did do that, you have not met that burden because you have the same sort of weight of evidence on each side, and that would not be permissible. It would, however, be relevant evidence if the judge determined that there was enough credibility to that evidence that it ought to be admitted. Another example, you have a...give an example that's going on, for instance, in the United States Senate. Let's say you have an individual senator from Oregon, for instance, who may be accused of harassing or molesting some women. That indication or that report comes out, and then it comes out that many, many other people have also indicated that that's occurred. Now if his pattern is to get those women alone and the only evidence is his word versus their word, it's going to be a difficult time to reach...and reach that clear and convincing standard. It just simply is not going to be reached, and that evidence, under this new bill, would not be admissible. Relevant evidence, yes, have a hearing outside the presence of the jury to determine whether it should be admissible, I agree. But clear and convincing is too great a standard. Let's take another for instance, let's say you have a police officer who is charged with beating a motorist, and after the charge comes to light, other individuals come forward and say, you know, he stopped me, and he harassed me, and he threatened to beat me, and that comes up at several occasions, and you want to be able to utilize that evidence as to show a pattern of activity. Yes, have a hearing outside the presence of the jury first, let's let the judge determine whether it is appropriate. But if the only evidence is one word against