

are talking about the burden of proof, that may be why you are talking specifically about the way it's drafted in this section because the burden is on the prosecution to prove that. I can envision instances where other bad acts evidence might be utilized by a defendant against another witness in the case, but the way this is drafted, I...clearly that's not what's intended here.

SENATOR BEUTLER: Okay.

SPEAKER BAACK: Thank you, Senator.

SENATOR BEUTLER: Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Further discussion on the first section of the Hohenstein amendment. Senator Lindsay. We are on the first section of the Hohenstein amendment.

SENATOR LINDSAY: We've taken the second section first, and the first section second, is that right?

SPEAKER BAACK: You are right on top of it, Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, members. Give you just a little background of how this bill came out of Judiciary Committee because I think it is relevant to this particular amendment. This amendment is a very significant amendment. It very significantly reduces the ability or makes it much easier to get in this type of evidence with this amendment adopted. In Judiciary Committee, the County Attorneys Association and the Criminal Defense Lawyers Association had some discussions regarding this bill in conjunction with LB 430, which we will hear a little bit later. In those discussions, they agreed that the county attorneys withdrew any opposition to this and the criminal defense attorneys withdrew any opposition to a provision in LB 430 dealing with the alibi defense, giving prosecutors notice of an alibi defense, both fairly significant issues that each party had been trying to accomplish for sometime, they discussed that. They worked out that sort of a compromise and came back in, the hearings themselves were very short because most things had been worked out. With that in mind, I think this does tip the balance of what was done and I think at that point it would require that we revisit LB 430, which should be coming up a little bit later today. If we are