

that's kind of the way it goes, and we will look at that bill when it comes up, but this is a good amendment and I certainly support it. Thank you, Mr. Speaker.

SPEAKER BAACK: Thank you, Senator Kristensen. Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. I appreciate all the former county attorneys standing up and supporting another former county attorney, but the fact of the matter is that the current county attorneys endorse this bill. They said that it was fine. They understood that as a part of the legislative process there has to be give and take. Whether you like it or not, on some measures there has to be give and take. This issue is not an issue of, at least with the Hohenstein amendment...what you do is you gut the bill. You gut the bill because what the criminal defense attorneys have had to face in the past from the prosecutors is this, what the prosecutors do is they have an individual who, let's use the child abuse, since it always happens to be...it tugs at your heart and it's the one that the prosecutors love to use the most, the child abuse case. You have somebody who may or may not have committed a crime in the past. Say they did, say they committed a crime and it's a crime of for some reason or another they picked up their child, who, they were divorced, they picked up their child. The spouse who is now separated or divorced from them accuses that husband of child abuse. Okay, maybe it went to court, and to get out of it, they pled to something. They pled, you know, abuse of a child. Okay, let's use that as an example. It is just as ridiculous as some that are being proposed here today. They pled to a crime that they really, as a matter of fact, didn't do but they wanted to get out of the court system. Now there is another issue before the court on this same individual. It can be 25 years later. It can be 25 years down the road. And that court, that prosecutor can say, look, judge, under the Hohenstein amendment, this individual was convicted of picking up a youngster off the street 15 years ago, even though he was actually just going to give him a ride home. He was picked up, convicted of this crime, and we think it ought to come into evidence for purposes of influencing the jury. There has to be some kind of burden of proof, and relevant evidence is not a burden of proof. It is just a definition of what some evidence is. It just means it's more likely than not; it means that...it tends to be something that may apply to the facts in discussion. It is not a burden of proof. There is three burdens of proof, and that's not one