

of them. Clear and convincing falls in the middle. There is preponderance of the evidence, there is clear and convincing, and there is beyond a reasonable doubt. Relevant evidence is nothing. Relevant evidence just means, is something that says, well, yeah, it's something, there was a blue car in this case, there was a blue car ten years ago, I guess that's relevant. It is not even subjective for purposes of the judge who is going to make that determination, and it is far from objective in terms of whether or not this comes in. It is totally different than any other form of law or any other issue that you are dealing with, because nothing convinces or influences the jury more than the prosecutor standing up there and saying five years ago, ten years ago, thirty years ago, this individual did the same thing or was convicted of doing a similar kind of thing. Nothing, nothing convinces that jury more than that. Before the prosecutor has the ability to bring that in, they ought to have to have some burden with the court to say, look, this is an issue...

SPEAKER BAACK: One minute.

SENATOR HALL: ...in this case, not an issue in the case from 20 years ago. Because what you require then the defense attorney to do, you require the defense attorney to fight two trials, one that is 20 years old, and the one that is presently being before the court. You've got to go back and say, wait a minute, this has nothing to do with the present case, but because it was relevant, because it happened to have the same fellow's name on it, now we get to bring it in without having to do anything except saying, here, it is on his record, we are going to bring it in. And that's what relevant equates to. It is on his record, we are going to bring it in. It has nothing to do with the present case but it is relevant. The Hohenstein amendment guts the bill. Whether you like it or not, it was a deal that was struck with the county attorneys, the present county attorneys. And, yeah, we ought to take each bill as they come up, one at a time. I am just telling you that this proposal has been before the body for seven years, I have carried it each of those years. With the Hohenstein amendment, you gut the bill. I would urge you to oppose this amendment.

SPEAKER BAACK: Time.

SENATOR HALL: The protections are built into the bill so that it is not abused. The people who use it and work with it