

endorse it. Thank you.

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

SENATOR HOHENSTEIN: Mr. Speaker, members of the body, I want to...Senator Hall has sort of stuck a couple of things together. He has talked about convictions. We are not talking about convictions in this law, in this bill. We are talking about other bad acts, nonconvictions. He said that, you know, you can have a case 20 years ago, well, frankly, that happens so rarely, and only when the judge determines that the evidence of 20 years is extremely relevant. Remoteness, remoteness in time is one of the things the judge looks at. Frankly, the information given, let me just read what the judge would do, this is from the Nebraska Supreme Court reports: Evidence of other crimes may be admitted in a criminal prosecution where the evidence is so related in time, place, and circumstance to the offense or offenses charged so as to have substantial probative value in determining the guilt of the accused. The balancing of the need for other crimes' evidence against the possible prejudice to the defendant is within the appropriate discretion of the trial court. That is under the relevant standard today. Now if that is not, if that is not an objective or subjective standard, I don't know what is, and if that does not provide sufficient assistance to the trial judge to determine whether this is too remote in time to be relevant, whether it is too remote in circumstance to be relevant, that's simply not the case. I apologize if I was not part of the agreement on this bill, and I apologize if I tipped up the apple cart, but this is a bad piece of legislation. This is going to do substantial damage to what I think is the best interest of everybody across the state with the exception of making it clear that you have an in camera hearing. I think that's a good idea, and I disagree that that's not substantial. This is going to avoid the possibility of a prosecutor just blurting out some of this evidence beforehand that ought not be blurted out, that may not be relevant, that may be too remote in time, that may require a defense counsel to try two cases. That's not the way it should work. This bill will ensure that before you admit that kind of evidence, you have a hearing before the judge, and the judge is going to say, you know, prosecutor, that was 20 years ago. I mean there has been nothing since then, that's too remote, don't put it in. The Supreme Court of Nebraska has said that a number of times, or the prosecutor is going...or the judge is going to say to the prosecutor, you know, you might think that's similar but it is