

Hohenstein amendment, have you all voted? Senator Hohenstein.

SENATOR HOHENSTEIN: I'd ask for a call of the house and accept call-in votes.

SPEAKER BAACK: We have a request for a call of the house. All those in favor vote aye, opposed vote n^o. Record, Mr. Clerk.

CLERK: 24 ayes, 0 nays to go under call, Mr. President.

SPEAKER BAACK: The house is under call. All members please report to the Chamber and record your presence. The house is under call. Senator Chambers, would you check in please. Senator Ashford, would you check in please. Members, please check in. We have a roll call...a roll call vote has been requested. We are looking for Senators Wickersham and Withem. All members are now present. We are voting on the first half of the Hohenstein amendment and a roll call vote in regular order has been called for. Let's keep your conversations down so the Clerk may hear your responses. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See page 1776 of the Legislative Journal.) 24 ayes, 17 nays, Mr. President.

SPEAKER BAACK: The amendment fails I will raise the call.

CLERK: I have nothing further on the bill, Mr. President. I have nothing further on the bill.

SPEAKER BAACK: Discussion on the advancement of the bill, Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, members. Again, I think the bill accomplishes, as I mentioned earlier, this was something that was trying to get a little bit for I guess both sides. It is something that was considered to be important for both sides, this along with the provisions of LB 430, which is fairly broad now after adding quite a bit from Judiciary Committee amendments, seek to get some sort of a balance, and this, I think, is a portion of that. The bill, itself, if we get to the merits of the bill are the policy that Senator Hall has mentioned, a very good policy, and that is that the judge will have the opportunity, outside the presence of the jury, to determine whether evidence of prior bad acts should be allowed into the evidence, whether the jury should be entitled to