

SENATOR HALL: Thank you, Mr. President and members. I rise to support the bill and ask you to vote to advance it to Select File. The...I'd be happy to sit down with Senator Hohenstein between now...sit down with the county attorneys...now and Select File. The fact is the county attorneys, and they supposedly were supposed to be back behind the glass, but they are probably out prosecuting someone, they were here to say, hey, we endorse this concept, we agreed to it. You bet. The reason prosecutors don't want this in the bill or some former prosecutors don't want this in the bill is simply this. It helps them prove their case without having to prove their case. It just, frankly, is the most impressive information or evidence that you can offer to a jury. If you can somehow convince the jury that the defendant has done this in the past, or something like this in the past, clearly human nature says that those people are going to believe that they must have committed this crime that they are presently being charged for. That is just the way human nature works, and what you do in terms of the criminal process is you force the defendant to have to try two cases, one that happened as many as 30 years ago, could be 50 for all we know. There is no limitation in the bill. But you have to then fight that case at the same time that you are trying to get yourself off or get your client off, whatever the case may be, from the present charge. Just think about it. I mean is it fair to say that they can bring virtually anything in for purposes of convicting them on this crime. I don't believe it is. The County Attorneys Association doesn't believe it is. All this bill does is says before the evidence can come in, it has to go in front of the judge. The judge has to determine whether or not that it is clear and convincing for purposes of applying to the present trial at hand. That's all it says, and it ought to be treated differently than any other kind of evidence. This kind of evidence has the most impact on the jury of any evidence that's out there, plain and simple, and that's why prosecutors look for it in every haystack they can find because they know this is going to prove the case when they don't have a case, when they have a weak case. Prior bad acts is what they hang their hat on. That's what they sell to the jury because they understand human nature. They understand how it plays out. They understand that if they can get this before the jury, that their chances are extremely good, or a lot better of getting a conviction. That's why they want it but it's interesting that it's the former county attorneys that want it. The current ones have said, hey, look, we can live with this. I would urge you to support this bill, move it over to Select