

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

SENATOR KRISTENSEN: Thank you, Mr. Speaker, members of the Legislature. I want to go back a little bit about what's been said that this is the worst...or the best type of evidence that could come in, and if you can get...if you can, basically, get this evidence in, your case is won. Well, let me tell you, that is just not true. That's just not true at all. The best evidence is somebody that says I saw somebody do this, I saw somebody do that, or the best evidence is, I did it in a confession. That is where the best evidence is at. What this does is in those cases where there is other activity or other behavior that hasn't been charged or necessarily is there but you can still prove it, you just can't make the allegation. You've got to be able to show at least some evidence, and that evidence is this relevant evidence. Does it go to prove a fact or not? Is it more probative than not? And it has nothing to do with, boy, if we can just get this bill in, this will finally make a criminal trial fair. That's not at all what the Supreme Court has talked about. They are going to look at the type of evidence that gets placed into a trial, and if that evidence is prejudicial, that evidence is going to get thrown out, that conviction is going to get overturned. The safeguards are there. What this does is just going...it is just going to make it that much harder, in some of those more complicated cases or more difficult cases, it is going to make it a lot harder to get the convictions, and if that is what you want to do, that's fine. That's good public policy, if you want to make it harder to get a conviction, you can do so. Are there people being convicted that shouldn't be convicted with this evidence? No, because if they are convicted and that evidence is wrong, what do they do? They always appeal that or they are going to appeal it, and the court is going to throw that out, and their rights are protected. That's the way the system works. So all we are doing here is just raising, raising the level, and making it just that much harder again for convictions. And as I look through, when we talk about a deal with the County Attorneys Association, what I see is I see two good lawyers, Tom Riley and Sam Cooper, but they are both representing themselves or representing their individual counties, and I don't see them sitting here as the County Attorneys Association. If you look at your committee statement, there is no people here who testified as the associations. I don't know if that is fair to