

the prior evidence being important to be used. Now if you said at the same time, it should be used both ways, I guess I could seriously agree with your point of view.

SPEAKER BAACK: Senator Chambers, you are next.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I am glad that the kind of discussion took place this morning that did. You heard some very emotional outbursts from those who are opposed to this bill. Senator Robinson got very exercised in his presentation. Because these kind of attitudes can exist is the very reason that people accused of crimes, especially crimes that are considered very atrocious or heinous by society in general, need to have the protection of the law. I want to make it crystal-clear to some of you what is involved if we don't have the standard which now exists in the law. A person accused of a bad act does not have to ever been accused of it in the past. Let's say it happened ten years ago, allegedly, the person was not accused. The person was not charged. There was no hearing. This person had no reason to know or believe that they were accused. If they had been charged, they perhaps could have successfully fought it. Maybe a prosecutor would have looked at it, in a case like Senator Lynch just mentioned, and said, well, there is nothing here. So that you understand what Senator Hohenstein, Senator Kristensen, and Senator Bromm want, they want a situation where an act that was not the subject of any judicial or other proceedings to be allowed to be considered in a case pending against the person today. Prosecutors are the ones who often say, when you have old cases, witnesses have died, evidence has disappeared, the state cannot make its case, and they use that for their purposes to deny defendants certain rights. But when it comes to trying to convict somebody, they want to take an act which the person may never have been charged with, where witnesses may not exist, or their recollections are faulty, where the evidence the defendant could have presented to counter the charge is not there. They want this act, nevertheless, to be available. It has no direct bearing on the charge pending against the individual. They want you to see that this individual charged today for committing act A is a bad person, and ought to be convicted, not on the basis of what was done in this case that is pending, but on the basis of what you think about him because of this other act that we want to bring in now that was never proved as a crime. So what the bill in its present form would say if somebody...if the prosecutor, if a prosecutor wants to bring in one of these so-called bad acts,