

the prosecutor has to establish by...with clear and convincing evidence that the act even occurred. That's what you are saying. Not that it is proved beyond a reasonable doubt, which would be the case if the person were charged with it, but that you have to prove with clear and convincing evidence that the act even occurred. Senator Hohenstein, Senator Kristensen, Senator Bromm can say all they want to. The judges are not going to do this, they are not going to do that, but the fact is that they can. If you say that the only thing necessary to establish is that this so-called bad act is relevant, as it has been pointed out, you show it is relevant by showing it is similar to what this person is accused of, but that doesn't even establish that the act occurred. You haven't even established that it occurred, but just that the thing, which this person is accused of having done ten years ago. if true, would be similar to what he is accused of today, but he is not charged and being tried for what allegedly occurred ten...

SENATOR CROSBY PRESIDING

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...years ago, and I think it is grossly unfair to say that a person who is currently facing a criminal charge should have to defend against another act that occurred however many years ago of which he or she was never charged, never accused. That's what it is we are talking about, and I can understand prosecutors who are more interested in convictions than justice wanting something like that to be available. But I'll tell you what, there is no senator on this floor who would want somebody, when they are running for office to say, well, this senator did such and such ten years ago. When we had a challenge, do you know what people said? The challenge should have been made before the primary, and there was just a short time before. So they said this person is too late to make the challenge, so it shouldn't be allowed. But at the same time when somebody is on trial for a crime, you say bring up an...

SENATOR CROSBY: Time.

SENATOR CHAMBERS: ...act of ten years ago that wasn't even proved to have occurred.

SENATOR CROSBY: Thank you, Senator Chambers. Senator Hall.