

SPEAKER BAACK: Thank you, Senator Chambers. Senator Hall, yours is the last light on and would you like to close?

SENATOR HALL: That would be fine, Mr. President. Again, members of the body, I would ask you to look at the bill. I mean oftentimes we get caught up in other things and we don't always address what is in the bill and the old action, read the bill before you vote on it, would, I think, serve us well here right now. It's only three pages long. We struck everything on page 2 that is underlined except for that last line, but read subsection (2) of the first section. It just says evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he or she acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. It says then the new language of the bill modifies that. So in other words it can come in. It just says, and this is what 598 does now as it's amended. When such evidence is admissible pursuant to this section in criminal cases evidence of other crimes, wrongs or acts. What are acts? Acts are anything, anything that the prosecution can bring up. Doesn't mean you have to be convicted of the accused, may be offered in evidence by the prosecution if the prosecution proves to the court by clear and convincing evidence that the accused committed the crime, wrong or act. So in other words, and then it goes on to say, such acts shall, with the Hohenstein amendment, first be made outside the presence of any jury. All the bill does is it says that prosecution has to go to the court and prove that those prior acts were committed by this person before it comes into evidence, a less standard than if it was a criminal case that had to be tried which is beyond a reasonable doubt. It's the middle ground between preponderance and beyond a reasonable doubt. That's what clear and convincing is. It is the middle ground as far as burden of proof goes. That's what 598 does. It allows them to go back as far as they choose with the committee amendments. It allows for an individual to say look, that may have been something that happened in the past but it has no bearing on this case and if it does, you have to prove to the judge that clear and convincingly that I did commit that act 10 years ago, 20 years ago, 30 years, because if you can't prove it to the judge, then you can't bring it in as evidence against the crime you're charging me with. That's only fair play. That's all that is. To do otherwise, to not have a standard in the law that we currently don't have, we have no