

notice is similar to the insanity defense that is used in providing the insanity defense, there has to be notice given to the prosecuting attorney of 30 days, and that provides for the committee amendments. There will be an amendment that will be followed offered by Senator Beutler which I had agreed to that states that notice in cases of the alibi defense can be waived by the presiding judge, if necessary, in the interests of justice. And I view this as a safety valve to this particular portion of the bill and, as a result, I will be supporting that particular amendment, as I also support the committee amendments. Thank you.

PRESIDENT MOUL: Thank you, Senator Abboud. Mr. Clerk, amendment to the committee amendments.

CLERK: Madam President, Senator Beutler would move to amend the committee amendments with AM1782. (The Beutler amendment appears on page 1827 of the Legislative Journal.)

PRESIDENT MOUL: Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, AM1782 is being passed out to you. I'm not sure if this is just a technical amendment or a somewhat clarifying amendment. In any event, it's not a major amendment. It deals with that section of the committee amendments which is Section 4 which relates to the subject of alibi evidence and it states that unless notice of intention to rely upon alibi is given to the county attorney and filed with the court at least 30 days before the trial that the evidence shall not be admitted unless that is done. And it seemed to me that there are some circumstances that are possible that one could envision where that notice may not be given but where it would be fair, only fair to the defendant to allow the alibi to be admitted and, therefore, what this amendment does, it says that except that such notice may be waived by the presiding judge, if necessary, in the interest of justice. So it gives an escape valve; it creates an escape valve to be exercised by the judge in the event that it's necessary to waive the rule for purposes of justice to the defendant. Thank you.

SPEAKER BAACK PRESIDING

SPEAKER BAACK: Thank you, Senator Beutler. Discussion on the Beutler amendment. Senator Hall.