

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, thank you, Mr. Clerk. Ladies and gentlemen, when we left LB 90 I had a series of amendments that we had dealt with the other day, unsuccessfully, and it was the consensus of the body that myself and Senator Scofield get together and try to work out problems that could be possibly worked out. I met with Senator Scofield and I, prior to that I had drafted, took the two pages and I think what I thought were good points of the amendments that I offered, I boiled them down to the two amendments that you find on page 553 of the Journal. And those two amendments deal with two issues and two issues alone. The amendment that we're dealing with right now, as the Clerk stated, 1783 which is the first of the two that you'll find on page 553 of the Journal and it reads very simply. "The defense attorney shall have an opportunity to evaluate the child and rebut the showing of compelling need produced by the prosecuting attorney by making application to the court for an independent examination by a professional psychiatrist or psychologist." It's very simple. It says that once compelling need has been shown, the defense should have the ability to rebut that. They should have the opportunity to argue that compelling need does not exist and in order to do that they should have the opportunity to make application to the court that the child be examined by an independent psychologist or psychiatrist. Ladies and gentlemen, in order for the prosecution to show compelling need is going to be very, very likely that the child have to have a psychiatric examination and that psychiatric examination is probably very often, if not always, and I would argue always, have to be done by a psychiatrist or a psychologist. It will have to be someone who is very, very professional in the field in order to hold up in court so that the judge determines that a compelling need does exist. And what I think... I think it was Senator Landis who felt that there was some good points to my amendments and he pointed out that this was one of them in his opinion that it made good sense that the defense have the opportunity to rebut the issue of compelling need. In order to do that there ought to be, in my opinion, and I think there are many on the floor who agree, the opportunity to have the child evaluated independently, independently of any professional who would thus testify for the prosecution and that is what my amendment does. It says that the defense can appeal to the court and ask that the child be examined by a professional and a professional is spelled out either psychiatrist or psychologist. I would urge