

consider that in determining whether somebody committed a crime or did not commit a crime. There are certainly times when somebody has no ability to refute that. As Senator Hall mentioned, there is cases 20 or 30 years old where evidence is allowed in, and that's very difficult for somebody to refute that sort of evidence when the evidence is on paper and on records for one side but the defendant would then have to try to come up with evidence for when witnesses are dead or can't be found or all sorts of other things. It simply is, I think, good policy and I think the rationale, as explained by Senator Hall, gives you a good basis for adopting that policy, and I would urge the advancement of LB 598.

SPEAKER BAACK: Thank you, Senator Lindsay. Discussion on advancement of LB...or Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, members of the Legislature. At least from what I...I think the law is better off the way it is today without the bill, unless we put some sort of amendment, and for those that are following along, I mean this is a tough issue because these are what make trials very difficult is some of this evidence, and it does become important evidence. And if I were you in the bottom line, I'd sit down and look at this and say, is there some major reason to change the law at this point in time? And the answer is, no, and that's the reason that you have the Hohenstein amendment that at least tried to keep the rules of the game basically the same as far as admissibility of evidence. If you are going to make those major changes, there ought to be a real good reason. The real good reason is that you've got the defense lawyers at least at one point want to have...they want to keep some of that evidence out. The reason they want to keep it out is that they don't want their clients convicted. I mean, it is pretty simple, and about any evidence that comes in, if you are a criminal defendant, you are not going to like it because it's probably trying to convict you. And so I guess what I'd look at, at this point, I would not vote to advance the bill. If it does advance, certainly there ought to be some more work done on Select, but I think it is probably better at this point to let the bill set. It will still keep its priority status, and I just think it is bad policy to advance the bill as it stands today, and would vote to do so. Thank you.

SPEAKER BAACK: Thank you, Senator Kristensen. Senator Hall.