

Essentially they have very little commercial value case by case basis. The average capture has a good deal less than \$50 worth of value on them. Secondly, in Lincoln the vast majority of cases are disposed of within two weeks so business is not deprived of property for a long time. Thirdly, the business is returned to the commercial interest almost immediately. However, they are asked to segregate those goods in the event they are necessary at a trial. All of those factors tell us that the need for photographic reproduction is minimal in this town. It is available and can be used but should be subject to a collateral attack by a defense attorney and that is what LB 126 does. It is the only way in which this language can be acceptable I think to the body and I hope that you will adopt the Beutler amendment that allows the defense...

SENATOR CLARK: You have about thirty seconds.

SENATOR LANDIS: ...to observe, to examine it and if there is a problem with it, file a motion to retain the evidence before a court.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think that entire section is an abomination and ought not be put into the law. I don't know who prepared this handout for Senator DeCamp but they had more time to study than I did. I just got it. But the first portion does not even deal with our situation here. They are probably talking about the acceptance of hearsay evidence and for those of you who don't know what hearsay is, to make it as simple as I can, it is an out of court statement made by somebody who is not now in court and that statement is to be allowed to take the place of a person's testimony. In other words, it is a tale about a tale but the first part of Senator DeCamp's handout talks about the party against whom the evidence is offered acknowledging it or agreeing to it which is in the nature of a stipulation. We're not talking as in this provision 27-1007. Here is what it says. "Contents of writings, recordings of photographs may be proved by the testimony or deposition of the party against whom offered or by his written admission without accounting for the nonproduction of the original." So what it is saying is that if I am on trial and they want to offer a letter or anything in writing or a photograph against me then they don't have to worry about any problem of hearsay if I, the one against whom it is offered will accept the offering of it and not object which is not the case with 126. We're not talking about the party against whom it is being offered accepting it. So that provision has nothing to do with the situation we're talking about. 27-1008 is talking about proving the