

you don't understand what you are doing with the law to enact it. Remember this is not a matter that has gone through a committee hearing that has allowed the county attorney, defense attorneys and whoever else may have an interest in it to come and give their thinking on the matter. I will give you an example of something that was brought to me after we discussed this bill the other day and I failed to strike this provision. A lady who has a job with the Legislature, she doesn't work for me by the way, had indicated that she took some gold watch bands of a friend of hers into Sartor Hamann or Sodom and Gomorrah or whatever the name of that store that Senator DeCamp told us about to have the value assessed or determined. Well while there the people in the store decided she shouldn't have these bands and she must have shoplifted them there and the police were called. Fortunately it was determined that she hadn't shoplifted them at all and I don't even know if the store carried those kind of watch bands and she wished that they had gone ahead and sued her and so forth. But here is the point. Had she left in indignation they could have gotten a description of her, produced a photograph and said this woman shoplifted a certain number of these bands from our store. That photograph becomes prima facie evidence of what was shoplifted. That is all that is needed to convict her unless she can prove that what they say in the photograph is not so. Well not having shoplifted anything, she can't prove anything one way or the other about what is contained in the photograph. So here she is brought to trial and made perhaps to pay a fine or whatever the punishment is for being found guilty on the basis of a photograph. And remember this, there is no place in the statute where a photograph is given prima facie status. As a matter of fact, the only item that is allowed that kind of status is found in 28-1117 or eleven seventeen and it is proof of the occurrence of a sporting event and it says the following: "In any prosecution under this article in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event." But it is not prima facie evidence of the offense that is charged. A newspaper of general circulation is entirely different from a photograph produced by a person bringing a charge against somebody else. The law should not be cluttered and distorted in the fashion that will occur if you leave this provision in the books. I know some people are trying to convey the image during this election year that they are pro business. This doesn't prove pro business. This proves a disregard for the integrity of the law