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dealing properly with those where there is no question about mental competency so I am not in favor of changing the law that Nebraska has had all of this time even though I thought that law was not as good as it ought to be. Senator Pirsch's bill will take us from bad to worse. The few sensational cases that people can find where a plea of insanity gets somebody off are the exceptions to the rule. You know over 98 percent of the cases don't involve a plea like that. Then in the infinitesimally small percentage where the plea is made it is not successful.

PRESIDENT: One minute.

SENATOR CHAMBERS: I am very concerned about how the criminal law is handled because there is so many opportunities for abuse even when you have a good law. There can be arbitrary or selective enforcement. So when we are putting something on the books, we should hedge the state about in every way possible, leave as little to discretion as possible knowing we cannot eliminate discretion, and do what we can to ensure as uniform an application of the law as possible. Senator Pirsch's law makes everything hinge on how good a lawyer a person has or how much money they can expend in trying to obtain expert witnesses to establish in the way she wants to do by a preponderance of the evidence that an individual is not sane. That is about all I have the opportunity for now, Mr. Chairman

PRESIDENT: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. President, members of the body, I also wanted to quote from the American Bar Association paper which was issued in 1983 that absent constitutional prerequisites we suggest that the allocation of the burden of proof in insanity cases is a public policy issue. Bad to worse in the State of Nebraska I guess depends on what side of the line that you are on. M'Naghten is a tough rule and I want to point out to you and in that handout that I gave you on the tables of the current states, there are many there of that 27 who have the M'Naghten Rule. They have found no problem giving jury instructions in those states. Judges are for this bill. Prosecuting attorneys are for this bill. Many lawyers are for this bill. I guess

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