

SENATOR LANDIS: Senator Hoagland, on your motion to amend.

SENATOR HOAGLAND: Senator Scofield and Lundy and I are offering an amendment to LB 90 which is printed beginning on page 1601 of the Journal. It, basically, is a rewrite of the committee amendments that were adopted earlier and contain about three important provisions. Number one, we accommodate a concern brought to us by Senator Chambers and the Defense Attorneys Association and require that if the prosecutor chooses to take a videotape deposition to preserve child testimony for trial, why then he must stay on that course and he must use a videotape deposition. He cannot decide not to use a videotape deposition and call the child as a live witness. The second thing that it does is that these amendments reduce the age of eligible children to 11. I believe the age is 14 in the committee amendments, and then finally, the amendments refine some of the other language pertaining to the confrontation clause of the Sixth Amendment to the United States Constitution and to the Nebraska Constitution. That is what the amendments do. Let me just say a sentence or two about the bill. The bill was brought to us by Senator Scofield and Lundy in order to deal with the issue of preserving the testimony of child-witnesses in sexual assault cases. The committee expanded the bill to allow the preservation of child testimony in any felony case. It allows the taking of the videotape deposition after trial preparation has been completed but shortly after the offense so that the child's recollections will be preserved for a jury trial that may take place six or twelve months later. The second and the most important policy decision the amendments make is that they allow the court on good cause shown if necessary for the preservation of the child testimony to exclude the presence of the defendant at the time of the taking of the deposition or the time of the video hookup from the judge's chamber to the trial in the event the judge decides to have the child testify by way of a television hookup to avoid the trauma of appearing in an open court before a jury. This is quite a significant bill. It makes some major changes in the way prosecutors will be entitled to bring prosecutions involving child-victims or child-witnesses in the State of Nebraska. I would urge your adoption of these amendments. Thank you.

SENATOR LANDIS: Thank you. There are two lights on, Senator Haberman followed by Senator Higgins. These may have been on previous issues. Thank you. Senator Higgins, is your light on for this amendment?