

accused and I agree with that. This approach that we are taking is an interesting...is a good approach. I think what the Judiciary Committee has come up with in LB 90 is a very reasonable approach to a very difficult problem. My suggestion is and that of the Bar Association is that we at least do, we at least allow the court to separate the accused from the witness only if the witness happens to be a child-victim and not necessarily a child-witness, and that is what the amendment does.

SENATOR LANDIS: Thank you, Senator Johnson. There are two lights, Senator Hoagland, then Senator Scofield. Senator Hoagland. Senator Scofield. Thank you.

SENATOR SCOFIELD: Thank you, Mr. President. I see Senator Hoagland down there explaining the amendments to this. I rise to oppose the amendments partially because our main purpose here is to protect children and I have had cases called to my attention where not only would a child necessarily be a victim but also could be a witness to a very serious crime, and if our purpose here is to protect children, it seems reasonable to include both victims and witnesses. I have not seen Senator Johnson's text, but it appears to me that that is the issue he is raising. I think it is important to address that. The other item that he is addressing here, I think if we were to adopt the proposal that he throws out here, it rules out the very purpose, the partial purpose of the bill. One of the significant central roles the bill plays, and again that is to protect a child in unusual circumstances, and let me point out, this is a technique that would only be used in those unusual circumstances where a child could not perform on the stand, and, in fact, the prosecuting attorney would always put a child on the stand where that child could perform as a witness. It is not to the advantage to put the child on videotape. This is to address those extremely unusual cases where the child is a victim of incest, sexual assault, perhaps witnesses a traumatic, highly emotional crime within his or her own family, and there may be unusual, very unusual circumstances, admittedly, where the court may deem in the best interest of leaving this language in, unless otherwise required by the court where the deposition could be conducted in the presence of the prosecuting attorney, defense attorney, and defendant. There may be occasions when the court wishes to have an exception there. I think we have worked this out carefully to take care of any constitutional concerns that we would have about confrontation of a witness, and I would urge you to reject this amendment because it really