

February 5, 1992 LB 291

prevent and that is to say that we're going to move the system from one of a burden on the state to prove that an injustice or a wrong was done, to a burden on the part of the defendant to prove their innocence. And like it or not, like that representation or not, it's an accurate one. It's exactly what the 90-minute presumption does. It gives the advantage to the prosecutor and there is no basis, even though the argument is, well, it's a rebuttable presumption. It's again, as I stated yesterday, it's one of those legal fictions that I've heard talked about so often that there is no rebutting the presumption that that test was valid. It won't happen, and that is why the prosecutors want it. They want to put it in place so that those few people who are able to convince the court that they were innocent should not even be let free.

SPEAKER BAACK: Time.

SENATOR HALL: That's the tragedy of LB 291. This amendment would strip a little bit of that out. I would urge adoption of the amendment. Thank you, Mr. Speaker.

SPEAKER BAACK: Thank you, Senator Hall. You've heard Senator Hall's closing on the amendment to the committee amendments. We will now vote on that amendment as offered by Senator Hall. All those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Beyer.

SENATOR BEYER: I would ask for a call of the house, Mr. Speaker.

SPEAKER BAACK: We have a request for a call of the house. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 10 ayes, 0 nays to go under call, Mr. President.

SPEAKER BAACK: The house is under call. All members please report to the Chamber and record your presence. The house is under call. The house is under call. All members please report to the Chamber and record your presence. The house is under call. Senator Schmit, would you record your presence, please. Senator Hillman, would you record your presence, please. We are looking for Senator Schellpeper, Rod Johnson. The house is under call. Members, please report to the Chamber and record your presence. The house is under call. Senator Cudaback, would you record your presence, please. We're looking for