

March 6, 1979

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will answer if I can.

SENATOR DWORAK: Senator Chambers, I'd just like your interpretation as to whether or not that is when the penalty is implied or is imposed?

SENATOR CHAMBERS: Senator Dworak, what you would have to do is read the penalty section which says any person violating the provisions of this act shall be guilty of a Class V misdemeanor. Anything that this act says to do, if whoever that language is addressed to fails to do it has committed a misdemeanor. Anything it says don't do, whoever that language is addressed to if the person does it, he or she has committed a Class V misdemeanor, and from the wording of the bill, I honestly don't know whether some way might be found to make a child guilty. I can't honestly say but I raised it as a question because I think it is inappropriate and I haven't researched the propriety of its being here but my feeling from having looked at it in the short time I have had the bill before me is there are questions connected with it and I can't answer them all. I frankly cannot.

SENATOR DWORAK: Thank you, Senator Chambers.

SENATOR NICHOL: Senator Chambers and then Senator Lamb.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, what I think, well, never mind. Let me say this. You have now by adopting the amendment which Senator Koch offered you about the religion exempted those people from having to have their child immunized and they can have that exemption based upon their religion. Now once having taken that position, and Senators Hoagland and Johnson, they may want to ask you something about what I am about to say, if a person takes a position based upon a religious conviction and the law recognizes that conviction as being a basis for an exemption, can you then place a burden on the exercise of that religious privilege which has been granted by saying if you don't put in writing this information then you will be subject to a criminal sanction, and on my time, I would like you, if you can, to answer that and then I will go on. You said that they can be exempt by declaring a religious preference. Can you then make it a criminal penalty to be imposed on them if they don't put it in writing and submit that to the schools? Do you see any problem with it? If not, then maybe there is none at all.

SENATOR JOHNSON: I am having a hard time understanding your