

March 14, 1979

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the room. Senator Nichol might give you a better analysis of that since I was not in the room. I did hear by hearsay.

SENATOR NICHOL: Senator Hefner, Mr. White did appear and it seems that the Indian culture has a way of handling their own Indian children and they did not want to be included in this law. Now that was his objection as I recall.

SENATOR HEFNER: Okay, but I believe the way it stands now that Indians are included?

SENATOR NICHOL: Yes.

SENATOR HEFNER: Okay, thank you. Okay, then I was wondering if we should have, and I will direct this question to Senator Newell again, do you think we need to put more teeth in this law? Do you think we need a penalty?

SENATOR NEWELL: That is a good question. That is an excellent question because the law as it is written now does not have a penalty in it and the reason it doesn't is because there is a penalty already on the statutes. And consequently when it was drafted, it is a Class IV felony and we could have created a new Class IV felony for it but we already had one so there was...there were a lot of people saying that at the time and I almost offered an amendment except the committee staff for the Judiciary Committee said, you know, listen, you are just creating a statutory problem which could be cleared up some other time but for that reason it is really not necessary, Senator Hefner.

SENATOR HEFNER: Okay, thank you, Senator Newell. I still support the bill.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I have several reservations about the bill that I suppose I wonder why the bill is necessary in the first place. It always seems to me that it is very strange that any other kind of a contract drawn between two adults is enforceable without any modification, that we have in many cases, most cases, we have child support or child custody situations which have been determined by the courts. Then when a parent apparently snatches a child, there is no remedy to protect that child and penalty for the parent. I can't understand why, and maybe Senator Newell can explain this to me, why if one of my children would be awarded to my wife, why I would be allowed under the present statute to move in, snatch