

January 7, 1982

LB 347, 698 - 701

because they don't know, the public generally, of the individual circumstances of a particular case but part of which is justified and I am suggesting to you with my amendment that you cut down the maximum penalties applicable to child abuse where the incidence of child abuse can be so minor under the law so that the discretion that the judge has is not so broad. The difference between a minimum penalty of nothing and a year in prison and the difference between a minimum penalty of nothing and five years in prison is an awful lot. It would be an awful lot to a person convicted under that statute. So I ask your support for the amendment. But in a political sense let me remind you of what I think is one of the failings of our democracy from time to time, and it is a failing both on the liberal side and on the conservative side. We seem to get into movements. We seem to gear up to solve our problem. And one of the real problems of our society and one of the things we are really gearing up to correct is the child abuse problem, but each time we do this it seems to me that more often than not we overreact. We overreact and we do more than is necessary or we do some things that are not necessary or we do some things that might be helpful but which have dire side effects. And I think that what is suggested in 347 is such an overreaction and I suggest to you that if you talk through this statute with your constituents and point out that it covers minor negligent actions that they are certainly going to understand that somebody shouldn't be subjected to five years imprisonment and \$10,000 fine for what may be a minor act of negligence, especially within their own family where traditionally the strong American tradition of family has allowed a greater latitude, and really an almost undefined latitude with regard to the behavior of parents toward children. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Beutler amendment, number 2. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

SENATOR CLARK: The amendment is adopted. Senator Lamb, would you like to adjourn us until nine o'clock tomorrow morning after the Clerk reads some things in?

CLERK: Mr. President, some new bills, LB 698 (Read title); LB 699 (Read title); LB 700 (Read title); LB 701 (Read title).

And finally, Mr. President, I have a reference report referring LB 618 through 692.