

January 8, 1982

LB 347

PRESIDENT: Ready then for agenda item #7, back to General File. As I understand it, LB 347 is pending. Mr. Clerk, where are we? Who was presenting what?

CLERK: Mr. President, when we last considered 347....we last considered LB 347 yesterday. It is a bill for an act relating to crimes and punishment. It harmonizes penalty provisions for the Nebraska Criminal Code. Prohibits certain acts, defines the offense of breaking and entering. Provides penalties. Eliminates obsolete offenses relating to street-cars and repeals the original sections. The bill, of course, was referred to the Judiciary Committee for public hearing. It was advanced to the floor for legislative consideration. The committee amendments were adopted yesterday. There were two amendments offered by Senator Beutler that were adopted yesterday as well. Mr. President, I now have pending a third amendment from Senator Beutler. The amendment would read as follows, Mr. President: (Read the Beutler amendment as found on page 166 of the Legislative Journal).

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, just to refresh your memory, the last amendment that I had yesterday had to do with the child abuse section of the bill, and you will recall that that section of the bill included in addition to knowing an intentional abuse negligent abuse, and then listed a number of instances that constituted abuse. The following section of the bill, Section of the bill, Section 12, which is what we will be discussing right now is on page 11 and it has to do with abuse of incompetent or disabled persons. And basically it retains the same kind of structure, that is, there can be knowing or intentional or negligent abuses and the criteria are again basically the same as in the child abuse section of the statute. In other words, they have extremely parallel, in fact, I think identical structures. So, basically, what I am now doing is the same thing that you approved yesterday with the child abuse statute. With regard to abuses that are negligent in nature, my amendment would say that we are not going to increase the penalty to a felony as suggested in the original version of LB 347 but only with regard to those abuses that are knowingly and intentionally done, will the penalty be upped to a felony penalty. So it modifies the harshness of the increased penalty proposed in the original LB 347. I would be happy to answer any questions on it but I don't think there is a need to speak at length to it because it is exactly what we discussed yesterday except making it applicable to Section 12 relating to incompetent persons as well as to Section 11, the child abuse section. Thank you.