

immune is a step backward. First of all I remind you that under present law there is immunity for any of these people in terms of reporting an incident of abuse when it is very obvious that there has been abuse. Let me remind you also that teachers fall in this same category and I remember the argument went through before. They see abuse and they can report it and they have an immunity even though it is reported. So I think for us to say we're going to provide immunity, these people do not have to report, then for all practical purposes you've destroyed the purpose of the bill and senior citizens have talked to me and said, if you're going to do this then you might just as well kill the bill because it has no need. There will be no remedy that will be forthcoming. So even though I guess I've tried to understand these professions, I would say to you that under the law and I quote to you under the section of law from 28-716: "A person participating in an investigation or making a report immune from liability civil or criminal. Any person participating in an investigation of making a report pursuant to provisions of Section 28-710 to 28-717 or participating in a judicial proceeding resulting therein shall be immune from any liabilities civil or criminal that might otherwise be incurred or imposed except for maliciously false statements." So it is in law. They have it. Why are they now trying to tell you there is nothing to protect them at all? And I submit to you that is false. So I would hope we would vote down the Marsh amendment. Now Senator Marsh has accepted this in hopes of saving the bill and I think this body ought to be straightforward and say, after all, who observes abuse more than anyone else and I submit to you it is generally doctors, whoever they might be, attorneys, clergymen and others. Therefore, they should remain in the bill and if we are going to make it meaningful, let's keep it that way. So I suggest that we should strike the Marsh amendment and go on with the bill and report it to Final Reading.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I support the Marsh amendment. If, as Senator Koch indicates, the very similar protections are already in law it certainly shouldn't cause any problem to just restate them here. I guess the area that I am most concerned about is the area of clergymen and primarily in the area of the seal of the confessional. I think this is a basic religious tenet and I think any protection to protect that very individual and very personal right is prudent by this body. I cannot vote for this bill without this wording and this amendment. If, as Senator Koch indicates, it is already provided for, we're going no farther than what is already established in statute then I