

enacting clause. Is that right, Senator Beutler?

SENATOR BEUTLER: Yes, Mr. Speaker, I wanted to use this for purpose of one last discussion. I would like to ask Senator Marsh a question if I may. In reading over the bill and thinking how it may relate to some other statutes we have in effect, you all know that we have been working on a child abuse bill and you all know that the child abuse bill, the penalty for child abuse has been up from a misdemeanor to a felony, and child abuse is defined in part as depriving a child of necessary care, and so my question to you, Senator Marsh, if the statute says that we are required to put children under restraints and if a parent fails to do that and if there is an accident and the child is harmed, is the parent then subject to a felony child abuse penalty?

SENATOR MARSH: Not to my knowledge, Senator Beutler. It might be fair if the parent were, but to my knowledge he or she is not.

SENATOR BEUTLER: Okay, Mr. Speaker, my only comment would be that the language of the statute is simply that if you deprive intentionally, knowingly or negligently, deprive a child of care, and if the bill that we have before us this year passes which it appears that it will, that will make it a felony offense. And it seems to me that you are leaving the prosecutors wide open to prosecute under the child abuse statute for failure to restrain a child, and I just wanted to make that comment. And with that, I will withdraw my motion, Mr. Speaker.

SPEAKER MARVEL: Okay, your motion is withdrawn. The Clerk will read on Final Reading LB 69.

CLERK: (Read LB 69 on Final Reading).

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Senator Marsh, do you wish a roll call vote?

SENATOR MARSH: Yes, please.

SPEAKER MARVEL: Okay.

CLERK: (Read the roll call vote as found on pages 652 and 653 of the Legislative Journal).