

the public hearing alleged that Nebraska is the only state in the nation that requires that the testimony of a minor in an incest case be corroborated either by the testimony of someone else or by physical evidence indicating that there has been some sort of a sexual violation. The sponsors of the bill wish to delete that corroboration requirement so that a case involving only the testimony of the minor is sufficient to go to the jury on the issue of whether or not incest has been committed or not. Now the committee made a number of recommended changes. The first is to limit the definition of stepchildren to minor stepchildren. This is an amendment recommended by Senator Conway, so that an adult stepchild would not have the protection of the statute, of this particular incest statute if he or she were assaulted by a parent. Now the second thing that the bill does at the recommendation of Senator Beutler, the second thing the committee amendments do is they strike the distinction between first and second degree incest on the grounds that what would become 2nd degree incest in this bill is largely covered by the current sexual assault statutes and that it makes more sense from a public policy point of view not to have two separate statutory schemes prohibiting the same conduct. So that amendment would restore the bill then to the current single level of incest that we currently have, however, is slightly broadened by substituting the word "penetration", as I indicated earlier, for the word "intercourse". The committee also recommends maintaining the current penalty level, that is maintaining the current situation where incest is a Class III felony. The bill, as you will recall, would raise it to a Class II felony where penetration is involved, leave it at a Class III felony where sexual contact is involved. The final thing that the committee amendments do is they refine the language in the bill pertaining to corroboration by striking about half of the new language on the bottom of page 2. And in that connection, it is clearly the intent of the sponsors of the bill and the intent of the Judiciary Committee recommending these amendments that the common law requirement for corroboration be abolished as well as a statutory requirement which is specifically being deleted on page 2 of the bill, lines 9 through 12. So the courts in Nebraska will know that any common law origins relating to the corroboration requirement in the incest area of law are being abolished by this legislation, it is the intent of the Legislature to abolish those corroboration requirements regardless of the actual language that we use on lines 24