

conduct which has a child, I'm not talking about adults, but a child, as one of its participants or portrayed observers. Now according to Senator Abboud's amendment, bill, the maximum someone would get for this would be five years but there is no minimum whatsoever. My amendment simply says the first time someone is caught using...violating this law, they would get a minimum of at least one year. It would make it a Class III felony and a maximum of 20 years or \$25,000 or both. But if they get caught a second time in this perverted act, then they would still have the one-year minimum and a maximum of 50. In other words, it strengthens the Abboud bill. It is the same thing that I offered last...Mr. Chairman, could I please have a little...

SENATOR LANDIS: You are well within your rights, Senator Higgins. (Gavel.) Let's have some attention for the speaker while she introduces her amendment to LB 788. Senator Higgins.

SENATOR HIGGINS: Thank you again, Mr. President. For the benefit of the senators that are listening, this is the Child Pornography Protection Act. The amendment I am offering is nothing more than what I had in the original bill which you passed last year, but which the Judiciary Committee changed part of it, including Senator Abboud. All I am doing to Senator Abboud's bill is amending the penalty for anyone who uses a child for pornographic purposes, that's all. Now I ask you this, if someone is going to be purchasing and distributing films or cards or whatever, with the intent to deliver them and they show little children in extremely sexually explicit acts which you will find in the statutes described, do you think that when they are caught there should be no minimum, no minimum penalty for this? That's the way the bill is written now. All my amendment is going to do is say is, if they get caught, they will get a minimum of one year, no more than 20 years and possibly \$25,000 fine. If they get caught doing this a second time, the criminal code still says one year and a maximum of 50 years. My amendment is actually what has always been in the statutes. The way I wrote the bill last year was the way the penalties were. It was the Judiciary Committee that changed it. In view of the fact Senator Hoagland said to me today, do you realize that if Senator Withem was caught with five cards, all the same picture of little children engaged in some filthy sexual act, I'm not talking about any normal act that adults would commit, normal adults, that he could be prosecuted under this and get a whole year in the penitentiary if he got the minimum. He says, can you imagine that? Well of course the