

January 7, 1982

LB 347, 698 - 701

because they don't know, the public generally, of the individual circumstances of a particular case but part of which is justified and I am suggesting to you with my amendment that you cut down the maximum penalties applicable to child abuse where the incidence of child abuse can be so minor under the law so that the discretion that the judge has is not so broad. The difference between a minimum penalty of nothing and a year in prison and the difference between a minimum penalty of nothing and five years in prison is an awful lot. It would be an awful lot to a person convicted under that statute. So I ask your support for the amendment. But in a political sense let me remind you of what I think is one of the failings of our democracy from time to time, and it is a failing both on the liberal side and on the conservative side. We seem to get into movements. We seem to gear up to solve our problem. And one of the real problems of our society and one of the things we are really gearing up to correct is the child abuse problem, but each time we do this it seems to me that more often than not we overreact. We overreact and we do more than is necessary or we do some things that are not necessary or we do some things that might be helpful but which have dire side effects. And I think that what is suggested in 347 is such an overreaction and I suggest to you that if you talk through this statute with your constituents and point out that it covers minor negligent actions that they are certainly going to understand that somebody shouldn't be subjected to five years imprisonment and \$10,000 fine for what may be a minor act of negligence, especially within their own family where traditionally the strong American tradition of family has allowed a greater latitude, and really an almost undefined latitude with regard to the behavior of parents toward children. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Beutler amendment, number 2. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

SENATOR CLARK: The amendment is adopted. Senator Lamb, would you like to adjourn us until nine o'clock tomorrow morning after the Clerk reads some things in?

CLERK: Mr. President, some new bills, LB 698 (Read title); LB 699 (Read title); LB 700 (Read title); LB 701 (Read title).

And finally, Mr. President, I have a reference report referring LB 618 through 692.

January 25, 1982

LR 208, 209
LB 378, 572, 698

eliminated and they are now not able to....

SENATOR CLARK: You have 30 seconds left.

SENATOR WESELY: Thank you, Mr. President...not presently able to function at least for another couple of months. So it seems to me that this appeal board has not served its function well. It should be eliminated, should speed up the process and when we talk about the delays that Senator Schmit did, this would cut down on some of those delays and I think do a better job of dealing with the issues at hand on CON.

SENATOR CLARK: The question before the House is the adoption of the Wesely amendments. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted?

SENATOR WESELY: Record vote again, please.

SENATOR CLARK: Pardon?

SENATOR WESELY: Record vote, please.

SENATOR CLARK: A record vote has been requested. Record the vote.

CLERK: (Read the record vote as found on page 401 of the Legislative Journal). 15 ayes, 25 nays, Mr. President.

SENATOR CLARK: The motion lost. Are there any other amendments? The Clerk would like to read in.

CLERK: Mr. President, your committee on Education reports LB 572 to General File with committee amendments attached. (See page 401 of the Journal).

Mr. President, Urban Affairs reports LB 698 as indefinitely postponed.

Mr. President, new resolution, LR 208. (Read LR 208 as found on page 402 of the Legislative Journal). That will be laid over, Mr. President. LR 209 signed by Senator Haberman and several members. (Read LR 209 as found on pages 402 and 403 of the Journal). Mr. President, that too will be laid over.