

25-07  
March 12, 1973

(Start of Belt #6)

the idea that there would be established a central registry for those persons who are abusing children or who are alleged to have been abusing children or incompetent. The manner in which this was initiated was by anonymous call and this was the way the bill originally reads. That an anonymous call to the police would initiate the action and then the procedures were spelled out in the bill by which the law enforcement authorities, the welfare department, the County Attorney's office, and whoever else is involved would then see to it that a central file would be established on any such person against whom such an allegation had been made. There were other provisions of the bill which, subsequently, provided that those who were engaged in such an investigation would have an immunity as far as any civil or personal lawsuits were involved, and the Committee's feeling was that it was a balancing of right. In other words, there is a right of privacy. There is a right of protection from the individual standpoint of being charged with some alleged crime. On the other hand, there is the very serious matter which was recognized by the Committee of child abuse or abuse of incompetent. These have to be, these particular equities had to be balanced, and the Committee's feeling was that the Constitutional right of an individual to be confronted by his accuser was essential to any law enforcement movement or procedure and, therefore, as long as that was in the bill, that would be a detriment to passage of such a bill. The other matter was the manner in which an individual could utilize this information once a central agency file would be established. Who could get into it? How could it be used? This was not felt was spelled out adequately, and it was felt that there was not enough safeguard there to what would happen at the initial investigation stage. And lastly I suppose, the Committee felt, and here I am probably reading into it the feelings of the Committee, that the present law which allows the County Attorney to make that investigation and determination upon complaint wouldn't be satisfactory even though we recognize there are some counties outstate where there have continued to be complaints. We know this, but in the major counties where these things are occurring, Douglas and Lancaster, there has been real good rapport with the Welfare Departments, the County Attorney's office, the Law Enforcement Agency. So, these are the reasons, Senator Clark.

SPEAKER: Is there any further discussion? Senator Marsh, do you wish to close on your motion?

SENATOR MARSH: No, just to say that I would encourage this bill being placed on General File so that the amendment may be put on it which removes the anonymous telephone call with no basis of fact ending up in the abuse file. I think this is satisfactory to everyone who has considered this bill.

SPEAKER: Senator DeCamp. Now, the Senator has closed. Do you have a question? Now, are you ready for the question. Senator Nore, do you have a question of the..

SENATOR NORE: Mr. Chairman, I'd like to ask Senator Marsh a question if she would yield?

SPEAKER: Senator Marsh.

SENATOR MARSH: Yes, of course.

SENATOR NORE: What if some parent believed in the old use of the rod or dissparing the rod. For instance, maybe a parent believes in taking a child to the woodshed once in awhile. Could some of the neighbors report this?

SENATOR MARSH: Some of the neighbors certainly could report it. However, if the child has not been abused to the point of physical damage to the child, this would not end up in this