

problem. Really it's an obsolete one. We have some other types of laws on the books like this that are obsolete. They're not enforced. Therefore, I would move for adoption of the amendment.

PRESIDENT: Clear the board. Senator Shirley Marsh.

SENATOR MARSH: Mr. President, members of the Legislature. This is a moral issue, it's not a legal issue. This language, I feel, should be removed from our statutes. It's not currently being enforced. We need to remove, from statute, those things which are not being enforced, which are not in this category. I would second the motion to adopt this amendment.

PRESIDENT: Senator Nichol.

SENATOR NICHOL: In the hearings it was brought out that sometimes this is used as a sort of blackmail. It works both ways for ladies, as well as men. I urge you to support this amendment.

PRESIDENT: The question is the adoption of amendment number three. Record your vote. Record.

CLERK: 15 ayes, 21 nays.

PRESIDENT: Amendment four.

CLERK: On page 120, line 12, strike "may". In line 12 strike "endanger" and insert "endangers". On line 21 strike "III felony" and insert "I misdemeanor". In line 26 strike "may". In line 26 strike "endanger" and insert "endangers".

SENATOR SIMON: The term "may endanger" was thought to be a purely subjective standard with the potential for abuse by the reporting party. By substituting "endangers" an objective standard would be created and the potential for reporting use would be lessened. Under the amendment the child's welfare would actually have to be endangered before a conviction could be obtained. The second part of this amendment would change the penalty from a Class III felony to a Class I misdemeanor. The reason for this is even though the penalty is not as severe, again it is a question of the fact that people are not sentenced because the penalty is so severe. We felt, and I did some checking on this, that there would be more convictions, that more people would be sentenced if we made the penalty more realistic. The maximum would still be one year under this provision.

PRESIDENT: Senator Bereuter.

SENATOR BEREUTER: Mr. President, I ask for a division of the question. I think there is a discernible difference between the penalty and the change in the language. I would ask that they be considered separately.

PRESIDENT: That seems reasonable. The definition Section will be treated separate from the sanction. So that we're really talking about lines 6 and 7, Senator Bereuter, for the first part? And 8, 9 and 10 for the balance. Is that satisfactory, Senator Simon?

SENATOR SIMON: Yes. Mr. President, Senator Bereuter has a good point. That is fine.