

SENATOR CHAMBERS: When we're talking about driving a vehicle, is negligent driving different from reckless driving?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: And when we're dealing with the negligence law in general, is ordinary negligence different from reckless disregard?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: Why, when it comes to creating a crime for parents, are we going to place a negligent act on the same level as an intentional act?

SENATOR ASHFORD: It is my intention in this amendment, Senator Chambers, to deal with the reckless and intentional acts and quite frankly I'd be interested in Senator Hohenstein's discussion on this because I have no problem with taking negligent out.

SENATOR CHAMBERS: Okay, and I want to ask you something else. Let me ask Senator Hohenstein this question. Senator Hohenstein, when we're trying to establish criminal intent, and I presume...maybe...let me not presume anything, I'll ask a question. In Section 1, we say a person who is a parent and has the custody and control over the child is the one who will commit this new crime. Then when we get in subsection (a), knowingly, intentionally or negligently. Those three terms stand independently of each other.

SPEAKER BAACK: Senator Hohenstein.

SENATOR CHAMBERS: Are we in this portion creating the criminal intent necessary for the crime to have been committed?

SPEAKER BAACK: Senator Hohenstein.

SENATOR HOHENSTEIN: Yes, and I just want to add that we discussed this before, frankly, and I think Senator Bernard-Stevens has got an amendment drafted and filed which would remove "or negligently" and I think that is probably appropriate and I'll also probably strike Section 3 because that section was dealt with in a previous amendment to LB 117 last week. And I understand your point and I think it's well taken,