

provide a specific offense for breaking and entering a motor vehicle or other mode of transportation vehicles. Section 9 was struck by the committee amendments. Section 10 provides for an enhancement of penalties for second or subsequent convictions under the petty larceny statute. Under current statutory provisions covering theft, depending on the value of the stolen property involved, the penalty can remain the same whether it is the first conviction or the tenth conviction. This provision was brought to us by the County Attorneys Association which suggested for a second and subsequent convictions for Class I misdemeanor thefts, which is a high classed misdemeanor, the person can be charged with a Class IV felony which is a low grade felony. Subsection (6) of Section 10 provides enhanced penalties for second and subsequent petty theft convictions where the value of the property that is taken is \$100 or less. Subsection (6) would provide that a second conviction would enhance to a Class I misdemeanor rather than a Class II misdemeanor, and for any third or subsequent convictions, it would be a Class IV felony. Section 11 of LB 347 harmonizes the various intent provisions now found in the criminal mischief section. On page 10 of the bill, you will note that the definition of criminal mischief found in sub (a) and sub (1) speak in terms of intentionally or recklessly damaging property. Sub (c) speaks in terms of intently or maliciously causing another to suffer pecuniary loss. When these proposed definitions were placed in the penalty provisions, it makes the intent requirement necessary for malicious mischief provisions consistent throughout. It could be argued that the intent requirement to sustain a conviction is lessened somewhat by the inclusion of a "reckless" standard for felony criminal mischief and for Class II misdemeanor criminal mischief. The Judiciary Committee considered this but concluded that consistency within the criminal mischief statute required this change be made. Section 12 of 347 provides for raising the penalty for child abuse from a Class I misdemeanor to a Class IV felony. This section also provides a second or subsequent conviction for child abuse will be a Class III felony. Section 13 of the bill upgrades the penalty sections for the abuse of an incompetent or disabled person. Like the child abuse penalty, this penalty section is raised from a Class I misdemeanor to a Class IV felony. It also provides for the enhanced penalty clause for second or subsequent convictions for the abuse of an incompetent or disabled person. Mr. Chairman, I move for the advancement of the bill.

SPEAKER MARVEL: The motion is the advancement of the bill. Is there any further discussion? We have got some amendments.

CLERK: Mr. President, the first amendment that I have is from Senator Beutler. Senator Beutler would move to amend the bill