

sentence someone to jail for two negligent actions, two relatively minor negligent actions, for a period of time longer than most murderers in this state spend in jail. That is the kind of serious statute that we are dealing with here. What my amendment does, and the more I think about it, the more I talk about it, the more I think it doesn't do enough, it makes a distinction between negligent child abuse and child abuse which is knowingly and intentionally done, and with regard to that which is negligent, it simply says that that will continue to be a misdemeanor, and with regard to that which is done knowingly and intentionally, allowing that to be a fourth class felony. That is the best I could do today on reading this provision, and like I say, I think that is a mild amendment at that. So I would ask you to please make a distinction between negligent actions and between intentional and knowing actions at a very minimum. I can't promise you I won't be back on Select File with some much more serious suggestions than just this, but as a minimum this should be done. And secondly, I will also tell you on Select File that I will be back with this same amendment with regard to Section 12 of the bill that has to do with the abuse of incompetent or disabled persons because the same defects that exist with regard to child abuse that I just discussed also exist with regard to the penalties applicable to the abuse of the elderly or the incompetent that I think are likewise inappropriate but I simply haven't had time today to draft that amendment. So I would ask you today to deal with the overly severe penalty provisions in Section 11 of the bill. Thank you.

SENATOR CLARK: Senator Higgins. First I would like to ask the Clerk, are there any more amendments on this bill? What we are going to do is finish this amendment, then we will break off for tonight and take it up tomorrow morning. Senator Higgins.

SENATOR HIGGINS: Mr. Speaker, I would like to ask Senator Beutler about his amendment and how it would affect a situation that I have right now in Omaha with one of my constituents. Presently I have a woman in Omaha who was divorced last summer and she was given custody of her three children and her husband has been given visitation rights twice a week. Every time the children came back from visiting with him, they were filthy dirty, he never changed their clothes even when she provided clean clothes, they were always hungry because he never fed them, and last summer the two year old when the mother took him upstairs to bathe him discovered the lower part of his spine and up and down his back leg, the backs of his legs were black and blue and she took him to Bergan-Mercy Hospital and