

drunken driving, for example, and if you look at the figures from your own City of Omaha, it becomes blatantly clear that they simply don't make arrests for drunken driving in Omaha and that probably whatever you do with the penalty will have no affect in Omaha because they don't arrest people for drunken driving and I make that analogy to the child abuse law. If you have people who will not enforce the law, it doesn't matter what the law is, but under the present law and under my amendment, the lady that you are talking about, if they found that it was in fact child abuse, then my amendment makes no changes as far as the standards are concerned for determining child abuse. If they found that there was child abuse and if it was done knowingly and intentionally, which it sounds like it was unless this fellow flies off into violent temporary rages, then in the one event it would be a fourth class felony, up to five years and \$10,000, if they proved it was knowingly and intentionally done, or if they can only prove that it was negligently done or if it was negligently done, then he would be subject to a maximum penalty of a year in prison.

SENATOR HIGGINS: But my question, Senator, is, what is the minimum? Maximum, I don't ever see anybody get that. What is the minimum they get?

SENATOR BEUTLER: Under 347, if you adopted it exactly as proposed by the Judiciary Committee, there would be no minimum. Under my amendment, it is equally true, there would be no minimum.

SENATOR HIGGINS: Then I think I will add an amendment. Thank you, Senator.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise in support of Senator Beutler's amendment and I would ask you as members of this body to consider very seriously this bill. The intent of the bill is very laudable and, of course, we all want to correct some of the abuses that we have seen but I think that Senator Beutler is trying to call the attention of this body on a very lazy type of an afternoon to some of the dangers that are inherent in the bill. I would venture to guess that most of us are not really familiar with the bill. We have not discussed it with each other. We have not discussed it with some of our attorney friends in the body and I can see some very, very dire consequences of enactment of this bill without the improvements that Senator Beutler is trying to encourage