

us to adopt. And so I would hope we would adopt the Beutler amendment. I would hope you would go home tonight and read the bill because I understand there are several additional amendments that are to be offered and I think the bill is a desirable bill but it certainly is very much in need of amendments, and frankly without the amendments that Senator Beutler has proposed, I would not be able to support the bill. So I am asking you to look at it very carefully and discuss it with those in whom you have confidence in and see if you can't perhaps make some changes in this bill which will make it acceptable. Otherwise I would venture to guess the bill is doomed and for very good reason.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Senator Nichol, can I ask you a question. Senator Nichol, I have heard the argument placed many times before the Judiciary Committee and the argument spoken on the floor that if penalties are too stiff then you don't get convictions, that, basically, if it is the judge alone, they take into account the stiffness of the penalty, and if it is a jury, they also take those things into account. And I am concerned about that as it applies to the Beutler amendment and applies to the bill that we are dealing with and I would like to have you just comment on that because that is a concern, something that sticks in my mind, and something that makes me tend to be supportive of the Beutler amendment because I think it is more important to get convictions in the case of child abuse, and it is more important not to have these kinds of cases come before courts if it is not child abuse, and getting to the truth here is one of the things that I wonder if this bill will help us totally do.

SENATOR NICHOL: Yes, thank you for asking the question, and I have used that very argument on this floor that when the fine or the result of the judgment rendered by the judge is too severe, three things don't happen, the arresting officer doesn't arrest, the prosecuting person doesn't prosecute, and the judge doesn't judge, and if any of the three breaks down, you are dead and you don't have anything. The only thing I would say to you, Senator Newell, is that we are not raising the minimum. I think Senator Beutler just stated that there is no minimum. We are raising the maximum to give the judges the authority and they have come to us with this. We haven't solicited this bill from anybody. These have come from judges mostly and the Bar Association saying we need more tool to do it when we need it. So we are submitting to you, if you like what they say, okay. If you don't, it is all right with us, it is not life or