

death. But I don't think, Senator Newell, that we are raising the top end...not raising the lower end, they can turn them loose free if they want to. So I don't think that that specific argument applies in this case.

SENATOR NEWELL: Okay, then let me ask you this question. Are we in danger of having substantial reaction, public reaction in the case of child abuse because it is a very difficult issue? It has become very much of a moral issue in recent years. I think we have had a number of groups that have talked about the freedom and total right of parents to deal with their children without any legislative or judicial oversight whatsoever. Is there a danger by providing these kinds of sanctions which basically are much more severe, which as you say the judges have indicated, is there a danger of having that kind of public backlash that will create some doubts about the whole question, of the whole issue of what the state can or should do in regards to child abuse or child correction, whatever that case may be?

SENATOR NICHOL: In my opinion, no, I don't think so. However, when you get into parental rights and child abuse, you are in a hotbed and you are going to get flak either way or probably both ways because those who are taking care of the children and wish to correct them by means that other people think are abusive and they don't think they are, you are in a hotbed and I would like to say to you that this bill would cure a lot of those problems, but I don't think that it will.

SENATOR CLARK: The question before the House is the adoption of the Beutler amendment, second amendment. Do you want to close on it?

SENATOR BEUTLER: Mr. Speaker, I have already discussed the general danger of applying criminal penalties to negligent actions so I don't want to go back over that again but I would point out to you also that one of the major problems we have with the criminal law system is the perceived injustice of a system that results from a judges discretion in sentencing and historically we learn that there needs to be discretion but there also has to be balance to that discretion. Otherwise we end up in a situation where in Scottsbluff for writing a bad check you go to the penitentiary for a few years, and in Omaha for writing a bad check, they slap you on the wrist, they fine you a bit. When those kinds of cases come down so differently in terms of sentencing, it leaves a very bad impression on the public of the criminal justice system, part of which is not justified