

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I am looking at page 9 of the white copy of the bill that is in the red-backed bill book and although I find myself supportive of the intent of LB 335 and supportive of the idea of the adult protective services act, I frankly have to say that the language on page 9 between lines 16 and 24 give me some cause for a concern. This language exists presently in the law for minor children and it seems to me that it is a very reasonable thing to draw up for children because there you are talking about punishment. You also have the need for clothing, shelter and care. However, the language that disturbs me occurs in line 20, 19 and 20. "(a) Placed in a situation that endangers his or her life or physical or mental health;" I would remind the body this is a criminal penalty and what we do in this instance is describe the circumstances under which an individual in the event they act in contravention to that language are subject to criminal penalty and I simply alert the body that I have difficulty understanding what is embodied by endangering the mental health of a person over sixty years of age. That language is ambiguous enough to me not to give an individual clear notice of the wrongs that they may be about to commit in handling a parent or a grandparent in dealing with them. I do not intend to amend the language at this stage. I do not intend to vote against the language at this stage. I want to draw to this body their attention to my concern that this language is overly broad in the context of those over sixty years of age and I am going to be reflecting on this question between now and Select File. It is possible that I will be offering narrowing language because I am concerned that the law when it creates a crime define the circumstances well enough that an individual who goes out in the world has notice that they can't perform certain kinds of acts and that notice I think is important in criminal law. This is a piece of criminal law, and if you tell me I may not endanger the mental health of someone else without committing a crime, I want to know what those circumstances are and I don't find that in the law and that disturbs me. I intend to vote for LB 335 at this stage. In the event others share my concern, I hope they will talk to me about it and perhaps we can find some language that will be somewhat narrower or more descriptive of the circumstances that we seek to outlaw by the passage of LB 335.

SPEAKER MARVEL: Senator Clark.

SENATOR CLARK: Mr. President, members, I would like to ask Senator Marsh a question.