

language that is new that is being offered, Senator Bernard-Stevens, is in the definitional section of abuse and you are lowering that standard to such an extent that the term "abuse" has no meaning. It is as you are as guilty of abuse if you put somebody in a position where they can feel endangered of serious bodily injury, as if the serious bodily injury actually occurs. So you are making two very different acts exactly the same. What Senator Bernard-Stevens wants the Legislature to do by keeping this language is say that if you threaten somebody in a menacing fashion, not that you are making an attempt, but you threaten them in a menacing fashion, even if they are not put in fear, that is just as serious and just as bad as if you intentionally and knowingly inflict serious bodily injury on somebody. And a definition that covers that much territory is a nondefinition. It makes anything abuse, and whereas, this language that I am trying to strike may be acceptable in the criminal law to define a very low grade of assault, the lowest grade you can find, and I don't know of a case where somebody was charged with this, that is one thing, but to take it over into an entirely different chapter, Chapter 42, where you're defining domestic abuse for all purposes, and you are going to make it domestic abuse to threaten in a menacing fashion I think is to lower the standard to too great a degree. Ordinary things that happen in the course of running a family are abuse, and that is even different from what I was talking about this morning, this is even a lower standard than what I was talking about this morning.

PRESIDENT: One minute.

SENATOR CHAMBERS: What is threatening in a menacing way in a family setting? We all know of a number of activities that can be viewed as a threat. The current language says that the person who is being placed in a position to be harmed, although no attempt has been made and no harm has been inflicted, fears that there will be some harm. The person who would be the victim has to have that fear. Senator Bernard-Stevens wants to do away with that, and I think it is a mistake. If you accept my amendment, it is not going to weaken this bill at all. If you accept his, you have people who, because the language appeared someplace else, as we dealt with this morning, want to put it every place in the statute where they think something pertaining to abuse...

PRESIDENT: Time.