

February 5, 1996 LB 754

talking sexual abuse and the way different states classify and what ages they classify and I think that's different. It's a different situation. I think that this state should know about sexual abuse that happens in another state regardless of age, regardless of their difference in their statutes. I think that if those people are coming here to teach, we ought to know that. So I think that's the difference that I see in what you're talking about. Would you care to respond to that?

SENATOR COORDSEN: Senator Chambers.

SENATOR CHAMBERS: Yes, Senator Dierks, it doesn't just say sexual abuse, it just says the word abuse. So maybe that means...I don't know exactly what all is included in that word. But the term they use is sexual misconduct. Now in Nebraska, adultery is not a law...is not a crime. In another state, it can be a felony and that would be sexual misconduct in that state, but it's not even against the law in Nebraska. And that is in the realm of sexual conduct. This is why I think something ought to be in this bill that relates to the age of the victim and maybe something that would go to whether or not the offense has a bearing on the suitability of a person to be around youngsters. Let's say that, it's hard on the spur of the moment to come up with concrete examples, but how would abuse, just standing by itself, necessarily disqualify a person from being a teacher? Under laws throughout this country, if two people are getting a divorce and one spouse has abused the other but there has been nothing done by that spouse to harm the children, and that spouse is as fit to have the children as the one who was actually abused, the one who did the abusing can get the children. Oh, Senator Dierks, go...

SENATOR DIERKS: Well, I just, I don't have any argument with your, with your argument. My guess, the thing that I'm thinking is that that part in the Section 3 that says the Commissioner of Education can make this decision, should handle that. But I think the information, if it's there, should be available to us so that we know what the background is on this person before he's turned loose in our schools, he or she is turned loose in our school system. So the commissioner still has the authority to make that decision, do they not?

SENATOR CHAMBERS: Right, what I would like to see is when you're putting it in this area where the commissioner does the