

SENATOR ASHFORD: Thank you, Senator Beutler, and we were very well aware of 28-707 when we drafted this and you raise a good point. I alluded to it on my opening and I'm going to defer to, and maybe with my time or Senator Hohenstein's time to Senator Hohenstein on this issue to some extent except that the intent here is this. Under the...first of all, the child abuse statutes are rarely used and have never been used as far as I know in the cases that I've talked about where, for example, a child gets access to a firearm and does harm to someone else, some other person, some third person other than the child. And the concern I have, Senator Beutler, and why I think an additional statute is needed is that, and Senator Hohenstein can fill this in, but the problem is is that we're talking about the abuse of a particular child and in this case where a child is confined against his or her will or treated badly, not fed, clothed, that's child abuse. The problem I've got is where in effect what is happening more and more today is that a parent or a guardian or adult is so reckless and leaves some instrumentality like a knife or gun or whatever it is around that is used by a child accidentally to kill another child and that is not child abuse. That is not prosecuted as child abuse and it is, and none of the cases that I have, of the 15 or so accidental shootings, for example, in that area since 1987 not one of those has been a child abuse prosecution and there's not been an investigation that I know of by law enforcement into parental responsibility. So that's the reason for the statute or the additional language, Senator Beutler.

SENATOR BEUTLER: Well, Senator Ashford, I understand that you're upset about the child abuse statute not being used for a purpose for which you think it should be used but I'm not sure when the existing statute says...

SENATOR CROSBY: One minute.

SENATOR BEUTLER: ...that you cannot place a child in a situation that endangers his or her life or health, I don't see how the language that you're putting in, if they won't prosecute under this language, why would they prosecute under language that says creates a substantial risk to a child, or to the child's health or safety? To me, the English language is the English language and either they would prosecute under both or neither. Well, it...let me stop there. I think I may have some further thoughts on the matter though.