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FLOOR DEBATE

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discussion. Senator Landis, motion to reconsider.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. That was helpful, appreciate that. If I understand it, I think you first said, to the extent that consent is mentioned in the bill, implied consent is the same thing, and when we use consent, we mean implied consents, as well. I hope I'm not overstating it, but I think that's a fair...okay. An example of the engaged activity that Senator Foley made reference to was, in fact, one of his own hypotheticals. I was trying to think of one at the time, and I was trying to get one that was not sexual in nature (laugh), which is why I think it was relatively far-fetched. And I'll come back to that question in a second. It seems to me that if I get the third one, the third one is, there might be something which would not cause pain or suffering to the mother that would cause injury to the fetus, unborn child, and that that could constitute an assault under the bill, even though the woman was not assaulted. I think that's right? Okay. I think maybe we've suffered...we've put in "harm or injury" instead of assault. I'm not so sure that giving a woman a drug against her will and without her knowledge may not be an assault, but that's an open topic. And I found it an interesting thing, because the topic that I wanted to get into and engaged was, what happens if it, in fact, relates to the woman's own behavior? What if she's engaged in behavior...and in fact, we both suffered, I think, with the difficulty of self-aimed behavior like drinking alcohol, like using drugs, creating some kind of a dependence in the child. And so, let me ask another question, with time to think, because obviously, we get considered answers here, upon reflection. Can you describe for us, on your own time, the acts that a woman could commit and herself be guilty of this crime? What...I think it takes some time to think. I'm not putting you on the spot, like, give me an immediate answer. But I would say this. I notice that only some things of the woman's behavior are, in fact, exempt from coverage of the act, which makes me think that, in fact, there are things that a woman could do which would make her subject to this act, as well, because it...there are exceptions to the behavior that apply to her, and if she wasn't inside that body of exceptions, I think she would be subject to the act. Upon reflection, next time you talk, if