

since it's clear from language already in the bill and in the committee amendment that we're talking about a physician or an attending physician, we're working on the penalty clause, I want the language in the penalty section to be consistent with the language in the bill itself and in the committee amendment. So if you look at Senator Lindsay's amendment, all it says presently, any person who knowingly and intentionally performs an abortion in violation of this act shall be guilty of a Class III misdemeanor. That's the way it is with the amendments that have been adopted. My amendment would strike the word "person" and say, "any physician or attending physician". It is unreasonable to expect that an individual who would perform an illegal abortion is going to give notification or that the purpose of the legislation is to require such a person to give notification. The law, as it stands now, makes performance of an abortion by a person other than a physician a Class IV felony. We're not talking about that part of the abortion law at all. This is a very narrow area of the law that LB 769 is attempting to deal with. Although I don't like it, I think it's unfair, I think it's atrocious. There still ought to be consistency in the language that is being placed into this law. I have put around on your desks a handout and although it doesn't relate directly to my amendment, it touches on it. We should be as focused as possible in this kind of legislation and the sharpest focus should be in the area of assessing a penalty. It should be crystal clear so there is no doubt in anybody's mind that if a person performs an illegal abortion, meaning somebody other than a physician, there will not be added an additional crime to that, such as this one, for failure to give notification. If I did anything that a license requires me to do and I don't have the license, my offense is being an unlicensed person doing that. Being unlicensed, none of those requirements of the license would apply to me, so the law that we're dealing with talks about a physician, one who, under the law, can legally perform an abortion. I want the penalty clause to focus in only on the physician or the attending physician who would be guilty of an offense for violating this notification provision. There should not be an additional offense on somebody who performs an illegal abortion. But what this handout focuses on that I passed around are three articles that coincidentally appeared on the same day. One comes from the Lincoln Star and the date of that article, as well as the others, is April 28, 1989. And the headline is, "Researcher Says SAT Is Biased Against Girls". And that SAT stands for Scholastic Aptitude Test and it points out that there is a type