

May 8, 1989

LB 769

SENATOR LINDSAY: Thank you, Mr. President, and colleagues, the Chambers amendment...and I think if we get back to the amendment itself, what it would do is clarify the language as far as who is committing the particular crime. The intent of the legislation is now and has always been that the person who would be criminally libel in the event that an abortion is performed in violation of the act would be the physician. The Chambers amendment clarifies that to use the term as used in the bill, physician or attending physician, which are clearly defined in the bill and I believe it's a good amendment. For that reason, I will be voting in favor of it. Senator Bernard-Stevens' time ran out there, I would like to yield, I guess, the balance of my time to him.

PRESIDENT: Thank you. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Senator Lindsay. Senator Lindsay, I wanted to follow that up with a question. Your particular amendment has been divided and the first part of it talks about the person or, hopefully, the physician who knowingly and willingly performs an abortion pursuant to this particular act will have, as has been amended by a previous amendment, a third degree misdemeanor. Is that correct?

SENATOR LINDSAY: That's correct.

SENATOR BERNARD-STEVENS: Senator Lindsay, how do you argue...I'm curious, how do you argue...how do you argue your amendment is still a valid amendment when we basically have shown that all the woman needs to do is to declare or lie, if you wish, lie about abuse, lie about a rape or incest, a declaration is made, the physician performs the abortion, but the physician will not have a third degree or a third class misdemeanor against that individual because they performed the abortion pursuant to the act? What is the purpose of the third degree...or third class misdemeanor if, in fact, there is going to be no third class misdemeanor under those...under that scenario?

SENATOR LINDSAY: I think the premise you're beginning with is that all women who...or all girls who use this procedure are going to say they're the victim of rape or incest. As has already been stated, the purpose of that provision is to give some opportunity to the girl to go to what is actually the root