

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

May 16, 2003

LB 208

SENATOR CUDABACK: It is withdrawn.

CLERK: Mr. President, Senator Foley would move to amend with AM1806. (Legislative Journal page 1699.)

SENATOR CUDABACK: Senator Foley on AM1806.

SENATOR FOLEY: Thank you, Senator Cudaback, Mr. Clerk, and members. Three years ago, when I came into the body, I reintroduced legislation that had been considered in a number of prior sessions of the Legislature. That bill was known as the Homicide of the Unborn Child Act. You might know that Senator La Von Crosby, my predecessor in this seat, had carried that bill. And Senator Connie Day had also carried a version of that bill. And as is so often the case with legislation, it needs to be introduced and then reintroduced multiple times, in some instances, before the body begins to develop a comfort level with the legal concepts that are involved in the bill. And that was true with that particular act. In any event, the bill eventually did come out of the Judiciary Committee. It was reported to the floor last year, and it was enacted into law by a vote of 42 to 5. The essence of the bill was to provide for criminal penalties for the killing of an unborn child resulting from violent crimes against either the child or against its mother, such as murder, rape, assault, and motor vehicle homicide. And with respect to the motor vehicle homicide provisions of that act, the law was written to parallel the existing provisions and law regarding motor vehicle homicide. The Homicide of the Unborn Child Act has now been on our books for well over a year. And thankfully, to my knowledge, it's never been used. And I'd be delighted if this law was never used. But the reality is at some point it will be. Senator Kruse now brings us an amendment that makes revisions to the basic motor vehicle homicide statute. And one of the key revisions is the change in the loss of driving privilege when the motor vehicle homicide is the result of unlawful driving under the influence of alcohol or drugs. And in such instances, Senator Kruse's amendment provides that the loss of driving privilege is increased from the current 60 days to the new penalty of one year. And I support the efforts of Senator Kruse to increase that penalty. My amendment simply makes a similar