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LB 208

and I both know, are naturally occurring events. So if a woman has a miscarriage, she can't then go back and say, well, the reason I had a miscarriage is because that drunk driver struck me a month ago. No, she's going...there's going to have to be some medical proof here, and that's going to take...

SENATOR CUDABACK: One minute.

SENATOR FOLEY: ...medical expert testimony, and so forth, which, you and I would know, would be very, very difficult. So as I say, the bill has been on the...the statute has been on the books for a year. It's never been used. It's been on the books of many, many other states. Typically, the kinds of cases that come to court are those that involve a later pregnancy, where it's a very obvious situation, where a drunk driver, and there's an instant reaction, an instant death to the child. That's typically how it works. I hope I've been responsive to you, Senator Johnson.

SENATOR CUDABACK: Senator Johnson.

SENATOR JOHNSON: But would it...are we done?

SENATOR CUDABACK: Thirty seconds.

SENATOR JOHNSON: Okay. The old ones I have no problem with, as I've mentioned. But how do we define the early pregnancy?

SENATOR FOLEY: Right. Here...I think we're going to run out of time, but I'll give it a shot. The difficulty is, if you try to set some point during the pregnancy when protection begins, then you're putting an extra burden on the victim or the family of the victim to make the case that the child had reached that point in the pregnancy. And...

SENATOR CUDABACK: Time.

SENATOR FOLEY: Oh, we're out of time.

SENATOR CUDABACK: Senator Bourne, followed by Senator Dwite Pedersen.