

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

April 8, 2004            LB 294, 958

instances outside of the context of abortion where the unborn could continue to enjoy legal status and rights. Consistent with those U.S. Supreme Court decisions, I'm offering today LB 958. The bill creates the criminal offense of assault of an unborn child. If a person causes an unborn child to receive serious bodily injury, as that term has long been defined in our criminal code, he or she could be subject to first- or second-degree assault of a child. Under the committee amendment form of the bill, which Senator Brashear will describe in a moment, a person who intentionally or knowingly causes serious bodily injury could be subject to a first-degree assault prosecution. A person is subject potentially to second-degree assault of an unborn child if he or she causes serious bodily injury as the result of the reckless use of a dangerous instrument. Introduction of the bill is simply a continuation of recent efforts by our Legislature to protect the life of the unborn child from criminal third party attacks. In February of 2002, the Legislature acted with overwhelming support, 42 or 43 votes as I recall, to pass the Homicide of the Unborn Child Act, a bill that created criminal offenses for acts causing the death of an unborn child. Just a year later, this body voted unanimously to enact LB 294, which redefined the word "person" to include unborn children for purposes of wrongful death civil actions, thus enabling the families of unborn children to potentially recover damages from the party who caused the death. The bill is a natural extension of the work that this body has done the last two years to abide by our state's policy regarding unborn children as enumerated in our statutes, and I quote, to provide protection for the life of the unborn whenever possible, end quote. The legal territory of this bill is by no means new ground as to what other jurisdictions around the country have established. A dozen states have now enacted some form of fetal assault criminal offenses. Similarly, the federal Unborn Victims of Violence Act, signed into law last week by President Bush, establishes penalties for criminal acts that caused the bodily injury or death of an unborn child. That bill was passed by the House on three different occasions. Finally, this year it was passed by the U.S. Senate two weeks ago, and has now been signed into law. The bill seeks to model these legislative efforts to providing full protection to some of our state's most vulnerable individuals from criminal attack. A need for this