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LB 953

bill does exist. Since passage of the Homicide of the Unborn Child Act two years ago, there have now been two cases where pregnant women and their unborn children were murdered. The legal process is now unfolding in those cases and the killers can be subject to charges of the murder of two individuals. However, if the unborn children in those cases had lived through the attack and suffered serious bodily injury, the assailants could not be charged with any crime as it related to the child. The bill fixes that deficiency. The law is also needed because it's been shown that pregnant women, and consequently their unborn children, are more likely to experience violent attack than women who are not pregnant. The bill recognizes this phenomena and seeks to provide at least some legal protection for the child the woman is carrying. The state of Nebraska, with my vote, incidentally, and yours, I suspect, has created felony penalties for animal cruelty. Just last year the Legislature unanimously passed legislation that makes acts of cruel mistreatment of an animal a felony. If state laws can recognize and punish nonfatal violence impacted upon animals, then surely we can offer some legal protection to unborn children. The bill does not apply to any action taken or conduct by the mother, or by a physician conducting any medical procedure performed with the consent of the mother, or by any person who dispenses or administers a drug or device in accordance with law. Mr. President, that concludes my opening. I thank you for the time and let us proceed now with the debate.

SENATOR CUDABACK: (Visitors introduced.) On with the committee amendments by the Judiciary Committee to LB 958. Senator Brashear, to open.

SENATOR BRASHEAR: Thank you, Mr. President. Members of the body, the committee amendment to LB 958 makes several changes, but only several changes, to the bill. First, the amendment would strike Section 5 of the green copy and replace it with language defining assault of an unborn child in the second degree as recklessly causing serious bodily injury to an unborn child with a dangerous instrument. This language parallels, in other words it is like, the standard of culpability which is used in the existing law for the offense of second-degree assault. Second, the committee amendment reduces the penalty