

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 8, 2004

LB 958

Senator Chambers and I...our views will converge on this matter. I think I said to him once that I felt he was pro-life in his heart of hearts. I don't know if he accepted that (laugh) or not, but I think he is in his heart of hearts. He does have a heart (laugh) despite his protests. But that day isn't here and he and I, at least today, disagree. We have an honest disagreement on the abortion question. That issue is not going to be resolved today. Let's stipulate that. But for the life of me, I can't understand why Senator Chambers and I can't at least agree that if a man assaults a pregnant woman and that assault results in brain damage to her unborn child, then surely the assailant should be prosecuted twice. He should be prosecuted for what he did to that pregnant woman, and he should be prosecuted again for inflicting brain damage on that child. I don't think that's a difficult concept. I don't think that needs to be controversial. I think Senator Chambers and I ought to be able to at least agree on that much, even if we can't agree on how we see Roe v. Wade. This truly is a question separate and unique and apart from the core question of Roe v. Wade. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Erdman, followed by Senator Stuhr and others.

SENATOR ERDMAN: Members of...thank you, Mr. President. Members of the Legislature, I'm going to rise in opposition to Senator Chambers' amendment, and I do rise in support of the underlying bill and the committee amendments. And I was listening to the discussion between Senator Foley, or at least Senator Foley's discussion to Senator Chambers, and I was assuming that what was going on was Senator Chambers was hoping he would convert Senator Foley before Senator Foley would convert Senator Chambers. But Senator Chambers is well capable of speaking for himself. The...I think Senator Foley has outlined where we are with...in regards to our existing statutes, and what I would concur is an error or a problem that needs to be addressed, and that is this situation where if the child does live beyond the assault and there is damage, that there is some remedy provided for that, for that crime that was committed. Senator Chambers and Senator Foley probably aren't that far off, though, because I remember almost a year ago we were discussing an issue similar