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another very good question and that was this whole matter of what about the earliest stages of the pregnancy and whether or not there could be frivolous or malicious prosecutions at that stage, and whether or not we've seen any of that. That's an honest question. Fetal homicide statutes have been on the books in many states for decades. Fetal assault statutes are somewhat newer, but they've been around for awhile in many states. There has not been one case anywhere in the country that could in any way be labeled a frivolous or malicious prosecution of anyone. And why is that? Because under the criminal law the burden is very substantial for the prosecutor. He must prove every element of the crime beyond a reasonable doubt. In a civil proceeding, it's a lower standard, simply the preponderance of the evidence, but in a criminal matter it's beyond a reasonable doubt. And because it is such a substantial burden for the prosecutor, we have not had any cases anywhere where prosecutors have brought frivolous cases and tried to prosecute someone in that way. So in the earliest stages of pregnancy, the burden of proof is so difficult that prosecutors typically won't bring those cases. It's generally in the later cases when a person is more likely to be prosecuted for having assaulted or killed the pregnant woman. Well, if I concede that, then why don't I write into my bill that at three months, six months, two months, whatever, why don't I write a particular threshold into the bill? Because I don't want to further complicate the job of the prosecutor. I don't want to have him to then prove that the unborn child was beyond that threshold. His burden is already difficult enough. He's got to prove every element of the crime beyond a reasonable doubt. That's a substantial hurdle for the prosecutor, and that's why there are so few prosecutions. Again, there has not been one case anywhere in the country, and if I'm wrong bring it to me, but I don't know of one case anywhere in the country where there's been a frivolous use of a statute of this kind. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Maxwell.

SENATOR MAXWELL: Thank you, Mr. President. I thought I was done, but I guess I'll just pick up this point very quickly. The beauty of the language from the embryology textbook is that it's all right there. You don't need anything else. You don't