

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

April 8, 2004 LB 958

would you check in, please? Thank you. Senator Jones, Senator Stuhr, Senator Hartnett, Senator Cunningham, Senator Preister, Senator Vrtiska, Senator Combs, Senator Janssen. Senator Schrock, thank you. Senator Quandahl. Senator Preister. Senator Cunningham, Senator Don Pederson, and Senator Brashear, the house is under call. Looking for Senator Preister and Senator Don Pederson and Senator Brashear. Senator Preister. All members are present or accounted for. The question before the body is adoption of the Chambers amendment, FA1613. A roll call vote has been requested. Mr. Clerk, call the roll on the question, please.

CLERK: (Roll call vote taken, Legislative Journal pages 1564-1565.) 1 aye, 27 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The motion was not successful. Amendment was not adopted. I do raise the call. Mr. Clerk, next amendment.

CLERK: Senator Chambers would move to amend the committee amendments with FA1614. (Legislative Journal page 1390.)

SENATOR CUDABACK: Senator Chambers, to open on FA1614 to AM3226.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, for the record, I will read the language found in this proposed amendment: "No prosecutor shall file a charge under this act prior to the alleged victim having reached the fetal stage of development when body structures are in recognizable form." If you look at the definition or what constitutes serious bodily injury, this is what you find in the proposed Judiciary Committee amendment on page 1, beginning in line 12: "Serious bodily injury means bodily injury which involves a substantial risk of death, or which involves a substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body." This amendment deals with what Senator Foley had to concede earlier, that in the early stages of development it would be impossible, not a practical impossibility but impossible, for a successful prosecution to be