

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

April 8, 2004 LB 958

characterization?

SENATOR CHAMBERS: No, I would agree, though, that there are certain criminal laws that law enforcement chooses not to enforce other than on a selective basis. But to be frank, I can't think of a law offhand that cannot be enforced on its...you know, by asking that something which is impossible to be done be done.

SENATOR FRIEND: Okay, then from a practical standpoint, what's the difference between me having the in...that they can actually establish the fact that I had the intent to run over to my good friend Senator Erdman and punch him between the eyes? Nobody else knew what my intent was or anything else, but you can actually find people that could prove that that assault...that there was an intent behind that assault. What's the difference between an assault like that and an assault where I would run over to a pregnant woman with the intent to assault her, understanding, or even if I didn't fully understand, that that assault could cause harm to that unborn child? Why...what...tell me why the intent makes a huge difference here. I'm intending to hurt someone. There's two people standing there according to our law.

SENATOR CHAMBERS: No, you put in a different factor. You can see Senator Erdman, and as he said, you'd better not miss. I don't know what that means. But you see him. Senator Foley has admitted that under this bill the definition of a person, which talks about a member of the species *Homo sapiens* at any phase or stage of development, refers also to the zygote, when the sperm has fertilized the egg, and it's impossible to know that that has happened and it's impossible to bring a case and establish that that zygote has been harmed. It's impossible.

SENATOR FRIEND: Okay, I understand what you're saying. Let me...let's change the analogy.

SENATOR CHAMBERS: Okay.

SENATOR FRIEND: You're standing there...