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LB 958

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, Senator Foley, I want to go on just a bit here, but I hope you'll listen because I wanted to ask you to respond eventually, whether it's...whether...if I use all my time this time, then next time. And I understand that some things are being worked upon so I want to provide some time for the folks who need to discuss these matters. But there is an alternative way of dealing with the very question here today that Senator Foley is addressing, and that's by means of a statute that's structured in a bit of a different way and takes a bit of a different approach. But it has the virtue of being less controversial, at least to a certain body of people in the population. And the approach that this...it is a criminal statute similar to the one before us in that sense, but the approach taken goes something like this. A person who commits injury to a pregnant woman is guilty of a penalty that is one classification higher, one classification higher than the penalty imposed for the offense committed upon the pregnant woman. So it is a concept that's more structured about and relates to and focuses upon the woman as opposed to focusing on the child, but recognizes the unborn, the harm to the unborn child by indicating that, for example, if something were a Class I misdemeanor, the highest misdemeanor, if the unborn child were also injured, then it would be a Class IV felony. And then it goes on and is structured similarly to your bill, Senator Foley, in the sense that it has both a provision that relates to intentional harm and also it has a provision that indicates that a person who unintentionally causes injury to a pregnant woman, specially while engaged in the operation of a motor vehicle, it's a motor vehicle...structured similarly to a motor vehicle homicide law. It has the definition section that gets into what a miscarriage is as opposed to, for example, what a stillbirth is, and then incorporates those concepts into the concept of injury to a pregnant woman. So I guess my general question, Senator Foley, would be, what do you see as the value of your approach as opposed to the approach suggested in these materials that I was reciting?