

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

February 1, 2005 LB 175

certainly include this, and if I discover one, we could come back at Select File, or we could move the bill as is to Select File and add it at that time, either way. However, in criminal law, many times you will...and I'm not an attorney either, but you will hear the statement of committing an act or assisting in that act. And is this language similar to that: for the purpose of causing or assisting in causing? Is there a correlation here? Is this a policy that we would have, or that also is in criminal acts, as well as in this act? And I would ask that question to you, if you'd respond, Senator Chambers.

PRESIDENT SHEEHY: Senator Chambers, will you yield?

SENATOR CHAMBERS: Yes. Senator Jensen, this section is dealing with the practice of medicine, and it is not criminal law. I do not want to import into this section concepts or philosophies from the criminal law. I would offer the amendment. And if, when we get to Select File, we can be shown that it's inappropriate, then I will make the motion to withdraw it, or you can, and I'll support you in it. But I wouldn't want somebody, who calls himself or herself managing pain, saying, well, now, that person didn't die, but the relatives are upset with me, so maybe they're going to say my intent in giving a larger dosage than I've been giving was to assist in killing that person, even though no death occurred. I'm saying again, if death occurs, then you have a specific act which is determinable, and the only question then, if somebody raises one, what was the intent? Even in some areas of the criminal law, where they want to talk about assisting, aiding, or abetting, or conspiracy to do certain things, it is so fluid and indefinite that I think a lot of injustice does result. So that would be the way I'd answer the question.

SENATOR JENSEN: Well, Senator, I would...after your response...and this was a bill, I believe, or part of a bill, that Senator Hilgert introduced a couple of years ago, when we were talking about end of life care and also that of, perhaps, even assisted in suicide, and that...which was an issue a few years ago with Dr. Kevorkian. And so I think the language is very meaningful, and it should be correct. However, I could, with the statement that you made, that if we find that on Select