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FLOOR DEBATE

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criminal assault charges of an unborn child, depending on the facts and circumstances of the case. Under the bill, a person who intentionally or knowingly causes serious bodily injury to an unborn child is subject to first-degree assault. A person is subject to second-degree assault of an unborn child if he or she causes serious bodily injury to an unborn child as a result of the reckless use of a dangerous instrument. Introduction of LB 57 is a continuation of recent efforts by our Legislature to protect the life of the unborn child from criminal third-party attacks. Again, February 2002, the Legislature acted with overwhelming support to pass the Homicide of the Unborn Child Act, a bill that created criminal offenses for homicidal acts causing the death of unborn children. LB 57 before us today is a natural extension of the work this body has done in recent years to abide by our state's policy regarding unborn children, as enumerated in our statutes, and I quote: to provide protection for the life of the unborn whenever possible. The legal territory LB 57 covers is by no means new ground as to whether...as to what other jurisdictions around the country have established. Fifteen states have enacted some form of fetal assault criminal offenses. Similarly, the federal Unborn Victims of Violence Act, sometimes referred to as Laci and Conner's Law, which President Bush signed into law a couple of years ago, establishes penalties for criminal acts that cause the bodily injury or death of an unborn child which occur on federal property or by federal personnel. LB 57 seeks to model these legislative efforts in providing full legal protection to some of our state's most vulnerable individuals from criminal attack. A need for this bill does exist. Since the Homicide of the Unborn Child Act passed in 2002, there have been four known cases here in Nebraska where pregnant women and their unborn children were murdered. The fetal homicide statute has been used to successfully prosecute the assailants in those cases. However, if the unborn children in those cases had lived through the attack and suffered serious bodily injury, the assailants could not be criminally charged for the injuries sustained by the child. LB 57 fixes this deficiency in our law and closes the loophole. The law is also needed because it has been shown that pregnant women, and consequently their unborn children, are more likely to experience violent attack than women who are not pregnant. LB 57 recognizes this phenomenon, and seeks to