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question, and you might can correct...

SENATOR CUDABACK: Senator Foley, would you...?

SENATOR CHAMBERS: ...a view that I have.

SENATOR FOLEY: Yes, I'll yield.

SENATOR CHAMBERS: Is there a statute on the books now which makes the intentional killing of a fetus murder?

SENATOR FOLEY: Yes.

SENATOR CHAMBERS: What degree of murder is the highest degree that can be involved?

SENATOR FOLEY: Senator, if you can give me a minute or two, I'd have to pull out the statute book and look at that (inaudible).

SENATOR CHAMBERS: Okay. Well, because I'm going to pursue my discussion, I'll give you time. Because I don't want this to be where you need to get information you can, and you don't have it right now, because that's not my purpose. Members of the Legislature, the point I'm trying to get across at this time is that a definition creates a circumstance that makes this bill unenforceable. You should not enact a law which is absolutely unenforceable. This law cannot apply as a criminal statute with a criminal punishment where you have a fertilized egg. First of all, you cannot prove an essential element, that a Homo sapiens is present. You cannot prove that. Senator Foley does not even agree as to what constitutes the completed item and the developmental stage. Everybody saw through his attempts at rationalization. If a fertilized egg constitutes the Homo sapiens, then the unfertilized egg is a phase of development, a stage of development in reaching the finished product, which is the Homo sapiens. It cannot be a stage of development at the same time that it's the completed thing. A work in progress means the work is not completed. When the work is completed, it is no longer in progress.

SENATOR CUDABACK: One minute.