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shall not apply until the individual member of Homo sapiens in utero has reached a stage of development where arms, legs, hands, feet and a head are present." Does that seem like unreasonable language to you?

SENATOR LANDIS: Well, it...in fact, I voted it against it, Senator Chambers. I was not sure that...where one would be able to prove the existence of those in the specific criminal case before the court. One might be able to compare it to the development in a book, or whatever, and saying that after X period of time heads and feet have normally developed, but without a sonogram, without an x-ray, whatever, I'm not sure one would be able to establish that fact in this specific case. And it is...

SENATOR CHAMBERS: How...oh.

SENATOR LANDIS: ...for that reason I voted against it.

SENATOR CHAMBERS: How would the crime be established under any circumstances? If all you have is the fertilized egg, how will you establish there's been great bodily injury to that?

SENATOR LANDIS: In fact, I can't envision that there would be a prosecution. I think it would...I'm not sure that it fails to meet the legal test, but I do think it fails probably to meet the factual test of knowing and intentional. At some point, it's true that you might know that a woman was pregnant, she might have told you that or whatever, and you might cause injury early in the development. But I think we're going to have injuries later than that period and so I've got to tell you it's sort of off my radar screen.

SENATOR CHAMBERS: Then they would have to be able to trace that later-appearing injury to some act which was not complained against at the time it occurred, and prove proximate cause of that injury to be that prior act. Would you agree with that?

SENATOR LANDIS: I do think that there has to be a causal connection between the assault and the injury that would have to factually be proven, and there might be a period of time between