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the assault and the appearance or evidence of the assault existing.

SENATOR CHAMBERS: And if a person were accused, he or she could say anything in this person's existence or experience could have produced this later-appearing injury.

SENATOR LANDIS: It might be like birth defects, Senator Chambers, in which you could say, was it...I had two beers on a Saturday night when I was pregnant, I smoked three packs of cigarettes, I have an uncle that had a birth defect when he was born, I'm overweight. There could be multiple causes when you work backwards from that fact, that's true. It would represent a fact problem for the prosecutor.

SENATOR CHAMBERS: And here's what I'm getting to now. When we pass a criminal statute which contains extremely harsh punishments, should we create a statute which, if read literally, is unenforceable?

SENATOR LANDIS: My guess is that Senator Foley would not like to have me, of all people, speak for his act. However, I would suggest this; that I think there's some...if you had a Venn diagram, the list of hypotheticals you're creating and the list of hypotheticals or the drawing of the hypotheticals that Senator Foley is concerned about, I think you've identified some overlap at the margin. My guess is that the kind of hypothetical that Senator Foley is concerned about would not have the same set of factual problems. Somebody who's six months pregnant, has a child, would have arms, legs, and a head, et cetera. In that setting my guess is the kind of area where Senator Foley brought the bill and traced down to the fertilized egg. We've probably passed the point that factual evidence would be likely to be available and gotten to a place where, even though the definitions fit under the bill, that I think the chance of a prosecution is, in fact, quite remarkable and unlikely.

SENATOR CHAMBERS: Do you feel...oh, you may not support this bill, but that's not what I'm asking right now...