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FLOOR DEBATE

January 17, 2006 LB 57, 120

have an amendment from Senator Schrock to be printed, Mr. President, to LB 120. (Legislative Journal pages 344-350.)

Mr. President, the next amendment to LB 57, Senator Chambers, FA200. (Legislative Journal page 1313, First Session, 2005.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on FA200 to LB 57. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Mr. Clerk. Members of the Legislature, if you will look on your gadget you will see what this amendment is and where it goes into the bill, but I'm going to read it. Then if you have any interest in seeing it with your own orbs, then just check it out on the gadget, on page 2, after line 10. This actually could be placed anywhere it could be made into a separate section, but what I decided to do, since so much discussion swirls around bodily injury, I would provide a definition that is found in the statute, 28-109(20), where definitions are given. Why would I do it if there's already a definition? Senator Foley pointed out that the term "unborn child" is defined elsewhere in statute. Sometimes it is helpful, when a statute is being considered, to know the definition of words that relate to the element of an offense, if it happens to be a criminal statute. Serious bodily injury is the crux of one of the grades of this offense, which is assault on a fetus. This is the language I would insert: For purposes of this act, serious bodily injury means bodily injury which involves a substantial risk of serious permanent disfigurement, or a temporary or protracted loss or impairment of the function of any part or organ of the body. This definition tells what serious bodily injury means in criminal statutes in the state of Nebraska. Senator Foley may oppose this amendment, and if he does, he will tell us why. But whether this definition appears in this piece of legislation, proposed legislation, or simply remains in the definitional section in the criminal code, its meaning is not going to alter. The hang-up for Senator Foley will be the word "body" at the end of the sentence, and three words to the left of it, "organ," o-r-g-a-n. Senator Foley may believe that he was a full-fledged human being as a zygote, but he doesn't find that in any book on embryology, unless he wrote it or one of the angelic doctors of