

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

March 8, 2006

LB 57

called lovers' triangles, where we have two men after one girl, or vice versa, et cetera, and so we have these type of problems. So I'm not the least bit surprised that we have these aggressive acts against women, and that was the reason, last time when we had the discussion, I said, I don't know how you're going to go about, first of all, telling if there is a crime; the second thing is, who committed the crime; and what are the various factors involved. Let's just say, for instance, that the woman is taking meth or alcohol, two very common things. What part does that play in either the injury or the death of the fetus? Let's say that she has two partners; they get into a fight. Which is the blow, or what was the problem? Did wearing that seat belt at an advanced stage of pregnancy or a lesser state of pregnancy, did the sudden stop and the seat belt cause a problem? I don't know the answer to all of these, and that's one of the things that I think we need to address. So, yes, I think everybody in this body is very interested in protecting both the mother and the fetus. That goes without saying. But if you could expand, or expound, on how we're going to elicit these different things, I didn't get that the last time around. And so I'll yield you the rest of my time, and then we can go from there. And then I have some other questions, but we'll bring those up the next time around. Thank you.

SENATOR FOLEY: Are you yielding to me?

SENATOR JOHNSON: Yes.

SENATOR FOLEY: Thank you, Senator Johnson. And you have asked a very good question, a very good question, a very honest question. I appreciate your raising that. With any criminal act, any criminal act, the prosecutor has the burden, it rests squarely with him or her, to prove beyond a reasonable doubt that what happened to that victim was caused by the assailant. So if a woman who's not pregnant is injured in some way, the burden is with that prosecutor. He's got to prove that the defendant actually committed the act which inflicted the injury on that woman. And that's also true with respect to my legislation. The burden is with that prosecutor. And there will be cases, there will be cases where the facts are a little fuzzy and things just don't line up the way the prosecutor would