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

March 30, 2006 LB 57

It would be so much easier to prosecute if you just said, okay, if you assault a pregnant woman, you get an automatic extra ten years if convicted. I don't care what that additional sentence You should not assault a pregnant woman. But this would be. one, how are you even going to know if there's injury to that fetus? How are you going to know until maybe five years down the road or six months down the road after that baby is born? Maybe there's some kind of developmental problem. And if there is, how are you going to know it's a result of that assault? How are you going to prosecute that? It doesn't make good sense to me. And yet, I know that I've got constituents out there who are writing me and asking me and fervently hope that I will vote for this bill. And I understand where they're coming from. But I also understand that this is not a very good bill, and I don't think I'm ultimately going to be able to vote for it. I think what's prompting me to get up and say this today perhaps is what's happening in South Dakota and that attitude that you ought to suffer the consequences of what you've done. And that's not a two-way street. That is a one-way street. It takes two people to make a baby ...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...and yet it takes one woman ultimately to be responsible for that child. What if that woman is 13 years old and she is raped by her father or her brother? That South Dakota law says no exceptions. That is wrong. I think it's against what the court has declared constitutional, and I think we'll...I mean, I don't know if we'll see any more states do this or not, but I hope not. The woman...the focus the woman should not be on lost in the debate. She is an essential core part of the situation. And, Senator Chambers, you're right on, and a lot of people believe you're right on, on a lot of issues.

SENATOR CUDABACK: Time, Senator Schimek. Thank you, Senator Schimek. Senator Chambers, followed by Senator Brown.

SENATOR CHAMBERS: I will waive, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Brown.